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# The Indian ANNUAL REGISTER 1923

BEING AN ANNUAL CHRONICLE AND DIGEST OF PUBLIC  
AFFAIRS OF INDIA IN MATTERS POLITICAL  
EDUCATIONAL, ECONOMIC, ETC.

EDITED BY  
H. N. MITRA, M.A. B.L.

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Vol. II.  
India in Home Polity  
& Abroad 1923



# PREFACE

**T**his issue of the REGISTER constitutes the record of the Political movement in India during 1923 and also of the post-Gandhian Non-co-operation in 1922. The history of Non-co-operation given here follows immediately that covered by the record contained in the 1st Volume of the 1922 Register. The 2nd Volume of the 1922 issue contained "India in Parliament & Abroad" as also important reports of the year. The 1923 Register Volume I was only a continuation of the previous issue, while the 2nd volume which was designed to be the political history of the year has only now come out. The 1923 Supplement really come after this volume but was issued early last year owing to the great delay in getting the present volume through the Press.

The main current of politics in 1923 readily branches off in the following sections.—

1. The break-down of the N-C-O Congress and the rise of the Swarajists.
2. The break-down of the Liberal party in the Diarchic Councils and their disillusionment of the Reforms.
3. The great Kenya betrayal followed by Sir Tej Bahadur Sapru's heroic efforts at the Imperial Conference.
4. The tightening up of the Secretary of States' control over India as evidenced by the appointment of the Lee Commission, the refusal to advance the Reforms any further, etc.

The book is accordingly divided into sections as follows :—

## I. India in Home Polity 1922-23

### A. Nationalistic Movements —

- a. N-C-O after Gandhi 1922
- b. Moslem activities 1922-23
- c. Liberal activities 1923
- d. Rise of the Swarajists 1923

### B. Proceedings of Councils—

- a. Legislative Assembly & Council of State 1923

( ii )

**b. Provincial Councils 1923**

**II. India Abroad 1923—**

**A. In the Dominions & Colonies—**

**a. In Kenya & British East Africa 1923**

**b. In South Africa & Fiji 1923**

**B. The Imperial Conference Proceedings 1923**

**C. In the British Parliament 1923**

Of minor incidents may be mentioned the Salt Tax, the Turkish Treaty, Hindu-Moslem riots, Satyagraha, civil disobedience and no-tax movement, etc. which are mentioned in more or less detail according to the importance of the subject along with the major heads.

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# Chronicle of Events 1923

## India at Home & Abroad



### JANUARY

**Chief Events.**—Split in the National Congress—Formation of a new Swarajya Party under Messrs. Das & Nehru—Services agitation for a Royal Commission—Muslim suspense on Lausanne Peace Conference—sittings of Central and Provincial Councils—Threat of White rebellion in Kenya against Indians.

1st. Split in the Congress camp: A manifesto announced formation under Mr. C. R. Das of the new Congress Khilafat Swarajya Party: about 110 members of the All-India Congress Committee signed the manifesto, including Pt. Motilal Nehru, Hakim Ajmal Khan, Messrs. V. J. Patel, N. O. Kelkar, M. R. Jayakar, and A. Rangaswamy Iyengar: Mr. Das resigned office as President of the All-India Congress Committee.

In the London '*Times*' a campaign was opened for removing the grievances of Indian Civil Servants; Mr. Montagu contributed 2 articles in succession; as a result of this campaign Viscount Peel gave promise for instituting an enquiry which finally took the shape of a Royal Commission.

2nd. Sir Tej Bahadur Sapru gave over charge of the office of Law Member, Government of India, to Mian Sir Muhammad Shafi.

Burma constituted a Governor's Province from this date.

All-India Congress Working Committee issued rejoinder to Mr. C. R. Das's statement read at the meeting of the Committee on the 1st January: consideration of Mr. Das's resignation postponed.

4th. Moul. Shafi, ex-president, Calcutta Khilafat Committee, convicted of sedition and sentenced to 1 yr's rigorous imprisonment for his speeches on Turkey.

Moul. Abul Kalam Azad released from jail.

5th. At a meeting of the European Association, Bombay, Sir Montagu Webb strongly criticised Government's demands for military services.

Sir Tej Bahadur Sapru resumed practice at the Allahabad Bar and re-entered public life.

Lucknow Medical men met in a conference and strongly protested against the smuggling of 30 Britishers into the I. M. S. without examination.

East African Indian Congress cabled to H. E. the Viceroy, the British Premier and the Duke of Devonshire pointing out that the franchise was not being extended to Indians before the forthcoming general election in Kenya in February in contravention of a former pledge.

6th. U. P. Governor withdrew the provisions of the Criminal Law Amendment Act from the whole of the United Provinces, including the Notification declaring certain Congress & N-C-O Associations to be unlawful.

9th. 10th Session of the Indian Science Congress opened at Lucknow with Sir M. Viswesvaraya as President.

U. P. Chamber of Commerce wired to the Government of India expressing their disapproval of the proposal to enquire into grievances of the European Public Services.

172 of the prisoners involved in the Chauri Chaura Riot trial were sentenced to death being all found guilty of murder, arson and dacoity.

10th. C. P. Council discussed Nagpur University Bill on this and following day.

11th. C. P. Council rejected Mr. M. G. Despande's motion for separate finance for Berar.

12th. Presidents of the Provincial Legislative Councils met in a Conference in Delhi with closed doors, Sir Alexander Muddiman presiding.

U. P. Ministers, in view of the financial difficulties of the Government, decided to cut down their salaries by Rs. 1,333 per month—Hon. Raja of Mahmudabad decided to act without salary.

Secretary of the Indian National Congress, Nairobi, wired to the Government of India explaining the situation there as a result of the recent Despatch on the Indian question and seeking the Government's intervention in the matter of the White threat to rise in rebellion and to murder all Indians.

15th. Legislative Assembly opened its Delhi session.

Recommendations of Bengal Retrenchment Committee which made drastic cuts and created a sensation was published.

16th. Sixth Indian Economic Conference opened at Lahore by H. E. the Governor—Prof. Coyajee, President, in his address dwelt at length on the Fiscal Commission's Report and the question of protection in India.

Viceroy gave farewell dinner to Sir T. B. Sapru on his retirement from the Government of India.

In the Assembly Army Secretary tried to explain away how 30 Britishers were smuggled into the I. M. S. without examination.

In the course of his speech before the Bombay Anglo-Indians Assocn. Col. Gidney said that his community could no longer regard Englishmen as their prop and would rather gradually merge in the Indian Moderates.

19th. Report of the Arms Rules Committee appointed on the Assembly resolution of 8 Feb. 1922 published.

23rd. H. H. Aga Khan wired to H. E. Viceroy drawing attention to the gravity of the situation in Kenya caused by the threats of violence held out by the Europeans.

24th. In the Assembly the famous Peel Despatch denying further Reforms was laid on the table.

Council of State : First meeting of the Delhi Session.

Bengal Council : Second meeting of the winter session; Sir Surendranath Bannerji presented report of the Select Committee on the Calcutta Municipal Bill—the most important work of this session.

25th. Sir Malcolm Hailey announced that His Majesty's Government had decided to appoint a Royal Commission on the Services (p. 254).

In the Council of State Mr. Kale's motion calling for papers in connection with the Royal Commission on the Services was negatived.

**26th.** The appointment was announced of Mr. D. M. Dalal, C.I.E., as the High Commissioner for India in the United Kingdom.

In the Assembly Mr. Seshagiri Aiyar's motion of adjournment to protest against the appointment of the Royal Commission was carried against Govt.

**29th.** Madras Council opened its January session; the Irrigation Bill was sought to be introduced in the Council but permission for its introduction was refused.

**U. P. Council opened:** The announcement regarding the release of political prisoners was made by Sir William Marris in his opening address. Resolution passed that Govt. should inform the Council if it cannot give effect to a resolution of the Council within 8 months.

**30th.** Congress Working Committee at Bombay resolved that 18th March being the anniversary of Mahatma Gandhi's incarceration should be observed throughout India as a day of National prayer; that a deputation consisting of Maulana Abul Kalam Azad and Pandit Malaviya do visit Multan to bring about reconciliation between the Hindus and Mussalmans of the place.

At the U. P. Liberal Association, Allahabad, Sir Tej Bahadur Sapru strongly condemned Viscount Peel's despatch and the appointment of the Royal Commission.

General Election in Kenya postponed to tide over the strong anti-Indian and racial controversy raging in the Colony.

**31st.** Text of the Turkish Treaty presented by Lord Curzon for the Allies to Turkey at Lausanne.

## FEBRUARY

**Chief Events.—Central and Provincial Councils in Session—  
Formulation & Consolidation of the Swarajya Party Programme—  
Racial Distinctions Bill passed—Squabble and disorganisation in  
Congress ranks & efforts for a compromise.**

**1st.** U. P. Council passed a resolution extending the franchise to women.

**2nd.** The first meeting of the Reformed Burma Legislative Council.

U. P. Government suffered a defeat over a resolution recommending that the present water-rates be not increased.

Government of India appointed Committee to consider question of development of an Indian Mercantile Marine in accordance with Sir P. S. Sivaswamy Iyer's resolution on the subject in the Assembly.

Report of the Racial Distinctions Committee issued—Sec. of State interfered on behalf of Colonials and gave them higher status than Indians in India in opposition to the views of the Committee.

**3rd.** Viceroy disallowed resolution of Mr. Sethna calling attention to scandalous selections to the India Council.

**5th.** H. E. the Viceroy opened the Chamber of Princes at Delhi. Proceedings held *in camera* and concluded on the 10th.

Madras Council passed the University Bill.

Mr. Shyam Sundar Chakravarty, President, Bengal Congress Committee, released from jail after 18 months imprisonment.

7th. Hon. Sir K. Srinivasa Iyengar, Member, Madras Govt., resigned on his Irrigation Bill being thrown out by the Council—Mr. O. P. Ramaswamy Aiyer succeeded him and took office on the 12th.

2nd Convocation of the Jamia Millia Islamia, National Muslim University, Aligarh, held with a learned presidential address on Muslim culture by Sir P. C. Ray.

8th. Lala Dunichand, President of the Punjab Provincial Congress Committee, arrested under the Criminal Law Amendment Act.

The Central Khilafat Committee concluded consideration of its revised constitution.

Mrs. M. E. Consins appointed special Magistrate in Saidapet—this was the first occasion when a woman was appointed to the post in India.

Following instructions of the Secretary of State for the Colonies, an Emergency Bill was introduced in the Kenya Legislative Council prolonging the life of the Council in order to postpone consideration of the Indian question.

9th. A serious riot between Hindus and Mussalmans broke out at Wadhan near Ahmedabad.

Bengal Council—Calcutta University Bill introduced.

10th. Governor of Kenya invited Indian leaders to discuss the Colonial Office despatch but the latter refused to attend.

12th. In the Council of State Sir Dinshaw Wacha's resolution for altering the Army Amalgamation scheme of 1859 under which the British Army was trained at India's expense was defeated by Govt.

Mrs. Besant's National Conference opened at Delhi with Sir Tej Bahadur as president and Council Members as delegates. The idea of a National Convention started.—Several committees formed next day.

13th. The question of removal or walling up of the Lawrence statue came up before the Lahore Municipal Council; after discussion resolution was passed asking Government's reply in a month's time.

Executive Committee of the Jamiat-ul-Ulema passed resolutions condemning British attitude at Lausanne, atrocities on Moplahs and other subjects.

14th. Scheme of Home Rule for India formulated by Mr. C. B. Das and Babu Bhagwandas published.

In the Bengal Council animated discussion on communal representation.

15th. In the B. & O. Council Budget for 1923-24 presented.

Government of Bombay framed rules for the special treatment of Political prisoners sentenced to simple imprisonment.

16th. In the Council of State Prof. Kale's resolution recommending the appointment of a Committee to enquire into the question of Industrial Finance and Industrial Banks was adopted—Mr. Sethna's motion for compulsory military training of Indians was defeated by Govt. votes.

In the Assembly Mr. Jamnadas's resolution for the adoption of policy of protection in India was adopted after considerable modification by Govt. motion that the principle be applied with discrimination.

Bengal Council removed sex-disqualification on the Cal. Corporation by the casting vote of the President.

17th. In the Assembly debate on the motion of Indianisation of the Army brought by Mr. Yamin Khan finally defeated by Govt.

Nationalist Conference held at Calcutta to consider the scheme of Mr. C. B. Das's Swarajya party was largely attended by leaders of all parties.

18th. At the B. & O. Council resolution asking Government to release political prisoners passed.

At a meeting of the Bombay Merchants' Chamber resolution was passed regarding the treatment of Indians in Colonies and urging retaliation measures.

19th. In the Council of State Sir Dinshaw Wacha's resolution for a census of the production of British India was adopted.

Bombay Legislative Council opened by the Governor: the Finance Member introduced the Budget.

In the Bengal Council resolution passed giving communal representation to Muhammadans on the Calcutta Corporation for 9 years; Finance Member introduced the budget which showed a deficit of 15 half lakhs.

In the B. & O. Council resolution for free and compulsory education in the province was adopted.

American Supreme Court, Washington, gave a momentous decision refusing American citizenship to Hindus of Indian birth; this decision put at stake huge properties in which Indians had invested in America.

21st. In the Assembly Racial Distinctions Bill passed.

22nd. In the Assembly Mr. Rangachari's motion expressing dissatisfaction at Lord Peel's Despatch on Reforms talked out after 3 hours.

23rd. Report submitted to the Government of India by the Rt. Hon. V. S. Srinivasa Sastri on his Dominion tour published.

25th. In the Assembly Criminal Procedure Code Amendment Bill passed.

Bombay Council adopted by a majority resolution recommending adequate punishment to the Police Superintendent Mr. Carter for his illegal confinement of Dr. Kapardia.

Programme of the Swarajya Party issued from Allahabad.

27th. In the Assembly adjourned debate on State vs. Company Management of Railways ended in motion for State management of the G. I. P. and E. I. Railways being carried.

Working Committee of the Congress met at Allahabad to consider the terms of compromise with the New Party.

Debate in Parliament on Princes' Protection Bill: In the House of Commons Col. Wedgwood put forward a motion in favour of petitioning the King not to give Royal assent to the Indian States' Protection Act; the motion after a heated debate was lost by 279 votes against 120.

Madras Council—Budget presented; Indian President and 3 Ministers consented to reduce their salary by Rs. 1000 p. m.

28th. In the Council of State Mr. Sastri's resolution that Govt. should appoint as far as possible at least one Indian Secretary, Joint Secretary or Deputy Secretary to every department of the Secretariat of Govt. of India was carried.

In the U. P. Council the Finance Member presented Budget and proposed three taxation measures, one to enhance court fees, the second to increase stamp duties and the third to impose duty on motor vehicles.

At Allahabad 100 members attended the All-India Congress Committee meeting; compromise resolution carried by a large majority.

In S. Africa the Appellate Division of the Supreme Court confirmed by a majority of three to two the prohibition order against Asiatic immigrants.

## MARCH

**Chief Events.**—Inchoape Report published—Budget of Government of India & of Provinces presented and discussed—Salt tax doubled by Govt. of India—Finance Bill thrown out by Assembly—Viceroy's certification of Salt tax.

1st. Indian Budget presented in the Assembly—Finance Bill introduced with the salt duty raised from Re. 1-4 to Rs. 2-8.

In the Punjab Council Finance Member presented the Budget which showed a deficit of 98 lakhs.

In the House of Lords, debate on the Indian Services—Viscount Peel said that the Indian Services Commission would not deal with constitutional questions nor with the history of the Services but with the immediate facts of the day.

In the Assam Council the Finance Member presented the Budget which showed a deficit of Rs. 72,000.

2nd. Report of the Indian Retrenchment Committee presided over by Lord Inchoape published.

5th. In the Assembly general discussion of the Budget. Salt Duty severely condemned.—In the Council of State Mr. Sastri's resolution on Kenya passed.

In the Bombay Council a motion to reduce the pay of Ministers was discussed and postponed.

Questions in the House of Commons on Indian affairs.

7th. In the Punjab Council exciting and keen debate over a motion to amend the Punjab Municipal Bill on the model of Calcutta Corporation Act.

In the Bengal Council, after three weeks' discussion and disposing of nearly 900 amendments, the Calcutta Municipal Bill was passed.

In the U. P. Council Government suffered defeat by opposing a resolution recommending the appointment of an Indian Secretary to Local Government.

In the C. P. Council resolution demanding an Indian Secretary to Govt. passed inspite of strong Govt. opposition.

Mr. Ganesh Shanker Vidyarathi of "Pratap", Cawnpore, was arrested on charge of alleged sedition and taken in police custody.

8th. In the Punjab Council a resolution recommending the release of political prisoners was carried in the face of Government opposition.

In the Bihar Council Ministers agreed to accept Rs. 4000 as salary.

9th. Hon. Mr. Das, Minister of Local Self-Government B. & O, resigned owing to his proposal to serve honorary being rejected.

12th. In the Assembly Govt. defeated on grant of 4 crores for Customs which was rejected by a majority of 1 vote.

13th. In the Punjab Council heated debate over a motion to reduce the Minister's salaries by one rupee on the salary of the Education Minister, as a vote of censure on his policy of communal representation—continued on the 15th and finally motion lost.

Terms of reference to the Royal Commission on Public Services issued.

14th. In the Assembly Scheme of Indianisation of the Army detailed by the Army Secretary: 8 Army Units were to be Indianised in the next 23 years.

16th. Bombay Council adjourned to meet in Poona in July.



In the Punjab Council motion made to get rid of Commissioners, two out of five, being recommended by the Retrenchment Commission for abolition, defeated by 16 votes to 7, the President speaking in favour of the retention.

18th. Gandhi Day :—Hartal was observed in Calcutta, Bombay and all over India in connection with the Gandhi Day celebration.

At Jubbulpore "National flag" was hoisted and marched in procession through the town—Satyagraha started on leaders being arrested.

Members of Central Legislature, Delhi, met in Conference and elected Messrs. Sastri, Kamath & Dwarkadas to form a deputation from India to White-hall on the Kenya question.

In the Bengal Council motion for reduction of salaries of Ministers negated. Another motion for abolition of the Publicity Bureau rejected.

19th. Report of the Indian Delegates to the Third Session of the Assembly of the League of Nations published.

Congress and Khilafat members captured majority of seats at Municipal elections in Allahabad.

Indian affairs interpellated in the House of Commons.

20th. In the Assembly Rao Bahadur T. Rangachari's motion against the imposition of the Salt Tax was carried against Government by 59 to 44 votes.

Commissioners of Jubbulpore Municipality resigned in a body in protest against action of Depy. Commissioner against "National Flag."

21st. Report of the Commander-in-Chief on Malabar operations against Moplahs published.

23rd. In the Council of State the Finance Bill carried by 28 votes to 10.

24th. Annual Convocation of the Calcutta University opened by Lord Lytton.

All-India Trade Union Congress opened in Lahore under Mr C. R. Das.

25th. Sir Hormusji Wadia, President Deccan Sabha, wired to H. E. the Viceroy protesting against Salt Tax and its certification.

26th. First Convocation of the Delhi University opened by H. E. the Viceroy.

Assembly threw out the Finance Bill by 58 votes to 47.

Important interpellations in the H. of Coms. on Indian affairs—Col. Wedgwood asked whether in the event of the Governor-General certifying the increase in the Salt Tax, the House of Commons will be given an opportunity of discussing his action; Earl Winterton was unable to give such a promise. Questions were asked regarding the restoration of the grant of three lakhs towards the expenses of the Services Commission.

27th. The final sitting of the Delhi Session of the Assembly and the Council of State.

Twenty members of Assembly submitted to the Viceroy their strong protest against certification of the Salt Tax.

Annual Meeting of the Bengal National Chamber of Commerce at Calcutta.

28th. Annual Meeting of British Indian Association, Calcutta, Maharaja of Kasimbazar presiding pointed the error into which the Muslims were running by allying themselves with Europeans against Hindus.

Annual General Meeting of the Indian Mining Federation, Calcutta.

Bombay High Court set aside a petition questioning the validity of Mrs. Sarojini Naidu's election to the Bombay Corporation.

30th. Governor-General certified the Indian Finance Bill with the Salt Tax at Rs. 2-8-0 per maund; a lengthy statement was issued.

31st. Fifteenth Session of the All-India Muslim League commenced at Lucknow, Mr. Bhurgri delivered the presidential address.

Bengal Provincial Conference at Jessore with Babu Shyam S. Chakravarty as president passed resolutions favouring No-changers' views.

## APRIL

**Chief Events.**—All-India agitation on the certification of the Salt Tax—Suddhi Movement under Swami Shraddhananda in the U. P.—Hindu-Moslem riots at Amritsar and several places in Northern India—End of Congress-Swarajya party Compromise—Provincial Political Conferences.

1st. Great strike of Mill workers of Ahmedabad as a protest against the reduction by 20 per cent. in their wage.

In Tanganyika three anti-Indian trade Ordinance promulgated—in protest Indians observed complete hartal in the Province.

Muslim League session suddenly adjourned *sine die* as a result of defeat of Mr. Jinnah's resolution favouring Council-entry.

2nd. Sir Dinshaw Wacha, President, Western India Liberal Association, communicated to the Secretary of State the grave constitutional crisis and the deep discontent throughout India caused by the Viceroy's certification of the Salt Tax.

Reclamation to Hinduism of Malkana Rajputs ran apace under Swami Shraddhananda in Agra and other U. P. Districts.

3rd. Great scene at the Senate of the Calcutta University when Sir Ashutosh Mukherjee read letters that passed between Lord Lytton and himself regarding the Vice-Chancellorship of the University and repudiated in vehement language Lord Lytton's offer which was characterised as infamous and a bribery.

Allahabad Municipality elected Pt. Jawahar Lal Nehru as President, Mr. Zahur as senior Vice-Chairman and Mr. N. K. Mukherjee, a Christian, as junior Vice-Chairman.

Madras Council passed Hindu Religious Endowments Bill and was then prorogued.

4th. Indian Merchants' Chamber, Bombay, expressed strong views in presence of Sir Basil Blackett who attended, condemning Salt Tax, system of Indian Currency, and mail contracts with the Peninsular and Oriental Navigation Company.

Corporation of Bombay elected Mr. H. P. Mody as its president.

Sir Claude de la Foss, Vice-Chancellor, Allahabad University brought criminal charge against Pta. I. N. Gurn and N. C. Sharma on the alleged ground of defamation in respect of certain monetary transactions of the University.

6th. Central Khilafat Committee decided to refrain from participating in the reclamation of Malkana Rajputs taken back to Hinduism.

Mr. Indulal Yajnik, N-C-O leader of Gujarat, sentenced to 1 year imprisonment at Ahmedabad for enrolling National volunteers.

8th. Pandit Motilal Nehru issued a statement regarding the conversion to Hinduism of the Malkana Rajputs.

10th. In the Assam Council resolution urging the Council to extend franchise to women was withdrawn.

11th. Serious Hindu-Moslem riot in Amritsar on the alleged molestation of a Hindu girl by Moslem rowdies leading to many casualties—British infantry called in to preserve peace,—Sikh Akalis rendered great help in maintaining order.

12th. Speaking at a meeting of the Bengal National Chamber of Commerce at Calcutta, Sir Basil Blackett asked for co-operation in minimising the discontent caused by the doubling of the Salt-tax.

Under the auspices of the Besant National Conference Indian Parliamentary Committee formed in London with Major Graham Poole as Secretary.

13th. Congress workers of Nagpur arrested for disobeying Police order prohibiting procession carrying the "National" flag: this was the starting point of the Nagpur Flag movement.

14th. Civil suit brought by Govt. against the superseded Ahmedabad Municipality charging 19 old members for Rs. 1½ lakhs being misapplied on National N-C-O Schools dismissed with cost by the District Judge.

16th. Second Broach Political Conference held under the presidency of Mr. Mahadev Desai passed resolution for civil disobedience after the 30th supported by Mrs. Gandhi.

Defamation cases filed by Sir Claude de la Fosse, Vice-Chancellor, Allahabad University, against Pandit Gurtu and others ended in an apology from the latter.

Hindu-Moslem-Sikh leaders in Conference in Lahore issued statement on communal riots in the Punjab—they failed to settle differences in Multan, Amritsar and elsewhere.

Mr. Purshottamas Thakurdas, Member, Inchcape Committee, issued a significant Press note on Military Betrenchment submitted to Govt. of India separately from the Inchcape report.

17th. Patna City Municipality decided to abolish cow slaughter-houses within the Municipal area.

Mr. Shankarlal Banker who was sentenced with M. Gandhi to undergo one year's simple imprisonment was released from the Yeravada gaol.

20th. At the request of leaders, a Journalists' Conference was held at Lahore when the question as to best means of ending communal controversy was discussed.

Gazette of India published modifications to the regulations of the Chamber of Princes.

21st. Benares Liberal League attended by prominent Moderates strongly condemned the salt-tax.

Swamy Shradhdhanand issued statement on his Buddhi movement which he explained was taken up in answer to secret propaganda of the Ulemas to convert Hindus wholesale.

22nd. All-India Congress leaders met at Lahore and made futile attempts to settle Hindu-Moslem difference.

23rd. In the House of Commons series of questions asked about Indian Ordinances at Tanganika elicited reply from the Colonial under-Secretary that they were right and not going to be withdrawn.

24th. Two memoranda on Viceroy's action in certifying Salt Tax submitted to members of Parliament by Mr. T. V. Seshagiri Aiyar.

In the Lords Viscount Peel introduced innovation in Standing Joint Committee of both Houses of Parliament on Indian Affairs.

Mr. J. Chandhuri M. L. A. issued report of a non-official enquiry on the salt raid and shooting by excise authorities in Backergunge district, Bengal.

Addressing his European constituents at Karachi Sir Montague Webb led an attack on salt-tax.

25th. Muslim riot between Shiaks and Sunis at Karari, a U. P. village.

Bishop of Uganda opened anti-Indian campaign about the Kenya question in the *London Times*.

26th. Animated debate in the Bombay Corporation over a motion for the use of khaddar for Municipal uniforms which was finally lost.

27th. Hon. Mr. C. Y. Chintamani resigned office as Minister of Education of the United Provinces in protest of U. P. Governor granting permission over his head to Sir Claude de la Fosse to take defamation proceedings against Pandit Iqbal Narain Gurtu and others; Hon. Pandit Jagat Narain followed suit in sympathy with his colleague.

Alliance Bank of Simla closed and suspended payments; a lengthy notice issued as to why the Directors had to close down the business.

Notice issued that His Majesty the King had signified Royal assent to the Princes' Protection Bill.

Punjab Govt. issued orders for the release of Guru-ka-bagh prisoners in recognition of the services of Akalis during Hindu-Muslim riots at Amritsar—some 1400 were thus released in the next few days.

28th. Serious Riot between Hindus and Moslems at Multan.

Mr. Harchandrai Vishindas and Prof. Shahani, M.L.A.s resigned Membership of Assembly in protest against salt-tax.

30th. Lucknow Municipal Board passed resolution that all uniforms to be supplied to Municipal employees be made of khaddar.

U. P. High Court judgment on Chauri Chura appeal delivered: of the 172 sentenced to capital punishment, 38 acquitted, 19 death sentence, and the rest to various terms of imprisonment.

Report of Congress Sub-Committee on Punjab riots issued.

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## MAY

**Chief Events.**—Satyagraha at Nagpur & Jubbulpore—Renewed hostility amongst sections of the Congress party—Hindu-Moslem riots in Punjab and U. P.—Agitation against Salt tax continued—Bank crisis in Bombay & Calcutta.

1st. In the Commons resolution establishing Standing Joint Committee on Indian Affairs passed.

Sir Montagu Webb sailed for London to join Messrs. Sastri, Kamat, Jamnadas Dwarkadas and others to make representation to Prime Minister and Parliament against certification of the Salt Tax.

In S. Africa Land Ordinances against Indians segregating them in boroughs and townships passed.

National flag procession in Nagpur under Seth Jamnalal Bajaj stopped by Police under S. 144 Cr. P. C.

Annual meeting of Tata Industrial Bank at Bombay disturbed by stormy proceedings of shareholders.

Judgment delivered in Lahore Leaders' case sentencing Lalas Dunichand and Amarchand to 8 months and Pt. Dattatriya to 10 months imprisonment.

Malabar Khilafat Conference at Tellicherry presided over by Dr. Sayid Mahmud who severely denounced forcible conversion of Hindus to Islam.

2nd. Mr. J. Chaudhuri M. L. A. resigned his seat in the Assembly in protest against Salt Tax—Other members considering resignation in a body.

Nagpur Flag movement gathering volume—from this day onwards 10 volunteers offered Satyagraha daily and were arrested—C. P. Government declared that Government grants will be refused to Local Bodies hoisting the Swaraj flag.

At a meeting of the Allahabad Municipal Board the proposal that chairs and tables be done away with was rejected.

Public protest meetings against salt-tax certification held in Calcutta, Bombay, Madras and elsewhere on this and following days.

Swarajya Party Campaign to contest Council elections opened with a manifesto from the leaders.

3rd. U. P. Government issued a lengthy press communique on the resignation of the two Ministers and containing the correspondence on the matter.

A Hindu-Muslim fracas in Nawabsha near Hyderabad resulted in a few casualties.

A preliminary meeting of the depositors and shareholders of the Alliance of Bank of Simla was held at Calcutta when resolutions were passed regarding the liquidation of the company.

In the Lords Debate on India's Frontier policy initiated by Lord Montagu of Beaconsfield. On Viscount Peel's motion, the appointment of eleven members to serve on the Joint Committee on Indian Affairs was agreed to.

4th. Third Maharashtra Provincial Conference held at Ratnagiri.

U. P. Govt. accepted the recommendations for clemency made by the High Court in the Chauri Chaura sentences.

7th. Another Hindu-Muslim fracas near Amritsar was stopped by prompt intervention of the Police.

8th. C. P. and Berar Provincial Conference commenced its sittings at Buldana under the presidency of Mr. C. B. Das.

Mr. C. B. Das issued manifesto to members of the Congress Swarajya Party asking them not to attend next meeting of the All-India Congress Committee so as not to hamper the work of the majority.

9th. Sir Deva Prasad Sarvadhikari issued appeal to M.L.A.s for staying their resignations over the Salt Tax so as to enable concerted action to be taken over the question of Indians Overseas.

An extraordinary general meeting of shareholders of Alliance Bank of Simla was held in Calcutta when Mr. Upton made an important statement.

11th. At a meeting of Anglo-Indians in Calcutta under Col. Gidney resolution passed declaring Anglo-Indians' readiness to help India towards Self-Government.

13th. Bengal Provincial Congress Committee ruled out of order Mr. Das's resolution expressing desirability of suspending Gaya Congress resolution regarding boycott of Council elections.

Statement issued on behalf of Indian Christian Conference over signatures of Bishop of Calcutta and other Church dignitaries protesting against wrong done to Kenya Indians.

14th. Pandit Gokaranath Misra and Rai Sahab Sitaram declined to accept office as Minister of Education in the U. P.

Sir N. G. Chandavarkar, President Bombay Council, died.

Tamil Nadu Congress Committee rejected Swarajya party proposals and favoured immediate civil disobedience.

Mr. G. C. Nag M. L. A. resigned his seat in the Assembly in protest against Salt Tax.

15th. In the Commons Earl Winterton stated that Lord Lee was to be the Chairman of the Indian Public Services Commission.

U. P. Government appointed Raja Paramanand and Nawab Muhammad Ahmed of Chattari as Ministers.

Sardar Amrit Singh arrested at Lahore while attempting to remove the Lawrence Statue—several more arrest followed in the following days.

19th. Secretary Nagpur Congress Committee arrested on the "flag fight."

Amritsar Municipality sanctioned Rs. 40,000 towards expenses of 100 policemen in view of unsatisfactory condition of the City since recent Hindu-Muslim disturbances.

Lahore Municipality resolved to remove the Lawrence Statue and to replace it by another less objectionable statue of Lord Lawrence.

20th. At a meeting of U. P. Liberals Mr. Chintamani explained circumstances under which Janoit Jagat Narayan and himself resigned their offices as Ministers and exposed the failure of diarchy.

Satyagraha campaign for hoisting Swaraj flag started at Jubbulpore—Nagpur Satyagraha and arrests continued daily.

24th. In connection with the Alliance Bank failure, a manifesto was issued to the press on behalf of the Creditors' and Shareholders' Committee of Bombay for the association of Mr. Billimoria as one of the liquidators.

27th. All-India Congress Committee, Bombay, adopted compromise resolution of Mr. Purshottamdas Tandon urging that no propaganda be carried on amongst the voters in furtherance of the Gaya Congress resolution relating to Council boycott; in consequence of this decision all the members of the Congress Working Committee excepting one resigned; new Working Committee composed of members of the Central Party formed.

Mr. K. C. Neogy resigned membership of the Assembly as a protest against the Viceroy's Certification of the Indian Finance Bill, 1928.

Provincial Conference of Bombay Liberals at Karad passed resolutions demanding further reduction in military expenditure, condemning the Viceroy's action in certifying the Indian Finance Bill, 1923, and protesting against the appointment of the Public Services Commission.

Indian Merchants Chamber, Bombay, intimated to Government of India their strong protest and dissatisfaction over the system of stores purchases for India.

28th. Bombay Provincial Khilafat Conference adopted resolutions expressing devotion to the present Sultan of Turkey and opposing Council-entry.

30th. End of Congress compromise—Mr. C. Rajagopalachari issued manifesto that compromise resolution of All-India Congress Committee nullified Gaya Congress resolution regarding boycott of Councils, and appealed to the country for rejection of All-India Congress Committee's decision.

In the Commons Mr. Baldwin refused to give a special day for the Commons to discuss the Indian Finance Act.

British Auxilliary of the National Conference started by Mrs. Besant for the attainment by India of Dominion Status was inaugurated in London. Mr. Jinarajadasa, Mr. Sastri and Sir Montagu Webb were the chief sponsors.

31st. Mr. C. R. Das in Madras made a spirited attack against the No-Change leaders and charged Gandhi to have bungled and mismanaged in 1921.

Nagpur Flag Satyagraha—350 arrests up to date—Sreemati Subhadra-kumari, a lady volunteer, arrested while alone carrying the flag through the prohibited area—she was released by Govt. order after 3 days.

## JUNE

**Chief Events.**—Squabble in Congress camp at its height—Mr. Das' hurricane campaign in South India against No-changers—Mr. Chintamani's Tour in Bombay for Liberal rally—Salt Tax Debate in the Commons—Parliament's interest in India—Nagpur Flag fight at its height.

1st. In a speech at Manchester Earl Winterton declared that the 1919 constitutional reforms had modified the control of Indian fiscal policy from Britain; and in reply to a demand for the exercise of his powers he referred to the extremely difficult and delicate situation that would arise if the special powers vested in the Secretary of State were used.

Meeting of Creditors of Alliance Bank at Calcutta—Mr. Ashworth, a liquidator, made a long statement—Mr. Leslie's motion that a committee of investigation be formed was passed.

3rd. In regard to the Das-Achariar controversy Mr. T. Prakasam issued a lengthy statement on the situation created by the compromise resolution passed by the All-India Congress Committee.

4th. In the Commons replying to a question regarding the American decision debarring Indians from American citizenship, Earl Winterton stated that the attention of the Foreign Office had been drawn to it; the precise effect of the decision had still to be considered.

After a heated discussion the Maharashtra Provincial Congress Committee declared that the compromise resolution adopted at Bombay was *ultra vires* and that the question be referred to a special session of the Congress.

The Council of the National Liberal Federation appointed Sir Tej Bahadur Sapru its representative in London to conduct propaganda against Salt Tax certification.

Ahmedabad Mill strike ended after 2 months—Compromise between millowners and labourers effected.

5th. All elected Hindu and Sikh members of the Lahore Municipality resigned their seats in protest against the new scheme of re-distribution of seats.

At the Calcutta Dinner in London Viscount Peel expressed his gratification at the growing good feeling between Indians and Europeans as evidenced in the compromise resulting in the Racial Distinctions Act.

6th. Secretary of State for the Colonies decided neither to repeal nor to suspend the Tanganyika Ordinances.

Mr. Krishna Das, for sometime M. Gandhi's Secretary, issued statement in refutation of Mr. Das' Madras allegations that M. Gandhi "bungled and mismanaged" in 1921.

Imperial Bank issued notice that they would pay 50 % to creditors of Alliance Bank from next day.

7th. Re-elected Jubbulpore Municipal board held stormy meeting when Mr. Paisley, the President, abruptly closed proceedings owing to members supporting flag movement.

8th. Bombay Legislative Council met to discuss resolution of the Government approving of the Sukkur barrage project.

Bengal Provincial Congress Committee adopted resolution disapproving the compromise resolution of the All-India Congress Committee.

9th. At the Annual general meeting of the U. P. Liberal Association Sir Tej Bahadur Sapru was elected President of the Association, while Pandit Jagat Narain and Mr. C. Y. Chintamani were elected Vice-President and Chairman of the Executive Committee respectively.

Jubbulpore Flag Satyagraha—Sj. Shivaprasad Varma and others sentenced to 6 months R. I. for hoisting the national flag over the Town hall.

10th. At Calcutta the Holwell Blackhole monument was attempted to be "defiled" by certain Jain and Khilafat volunteers who appeared before the monument with a national flag and hammer—they were promptly arrested.

13th. Mr. C. B. Das arrived at Madura while carrying his Swarajya party campaign and spoke vehemently on the failure of the constructive programme of the Congress.

Mr. Asaf Ali, Bar-at-Law, Delhi, a prominent N-C-O leader, released from jail after 18 month's imprisonment.

Report of the Dhariwal Police outrage in which the Police was accused of looting, rape and wholesale dishonouring of women in Dhariwal in U. P. issued by Pt. H. N. Kunzru, M. L. C. and Bai Bahadur Sita Ram, M. L. C.

14th. Sir Chimanlal Setalvad resigned office as member of the Executive Council, Bombay, with the object of seeking election to the Indian Legislative Assembly.

Salt Tax Debate in the Commons: Mr. C. P. Trevelyan's motion reducing the India Office vote was strongly supported by the Labour Party and many Liberals; the debate was postponed till the 5th July (see below).



17th. Seth Jammalal Bajaj in Nagpur arrested in the "flag fight" : order prohibiting processions in Nagpur under Sec. 144 Cr. P. O. extended for a further period of two months. Karachi Congress Committee decided to send volunteers to join the National flag agitation—up to date arrests at Nagpur above 600.

Lucknow Municipal Board expressed disapproval of Government Order against expenditure for presentation of addresses to persons other than the Governor-General or Governor.

18th. Sir Hormusji Wadia opened the new buildings of the Poona Women's College affiliated to the Indian Women's University.

Mr. Bhagwan Din and 240 Volunteers arrested at Nagpur in connection with the "flag fight".

19th. Serious Hindu-Moslem Riot at Moradabad resulting in 6 casualties.

21st. Pandit M. M. Malaviya issued lengthy Press statement detailing facts about the 1921 negotiations with the Government for a Round Table Conference which had been raised in controversy by Mr. Das and the No-changers.

Addressing a crowded meeting of Liberals in Bombay, during the Liberal campaign, Mr. O. Y. Chintamani challenged anyone to show that the Reform Scheme had not improved the position of Indians substantially.

22nd. On a requisition by 15 members of the All-India Congress Committee a special meeting of the Committee was declared to be held in Nagpur on the 8th July.

25th. The Sindh Provincial Congress Committee approved of the Compromise resolution passed by the All-India Congress Committee at Bombay.

Seth Jammalal Bajaj tried by the City Magistrate of Nagpur in connection with the flag Satyagraha.

26th. Queen's Hall Labour Demonstration, London, in support of Dominion Status for India; Mr. Ramsay MacDonald presiding outlined Labour Party's Indian Policy.

27th. In the Lords animated discussion protesting against reductions in the Indian Army initiated by the Earl of Middleton; Earl of Derby, Secretary of State for War, said that no reduction in the Indian Army would be agreed to unless the British General Staff considered that it could be made without endangering safety.

Deputy Commissioner, Lahore, invited non-Muslim members of the Lahore Municipality to withdraw their resignations which they refused to do.

In the House of Commons Lord Winterton's resolution on East India Loans, authorising raising of further loans of £ 50 millions for India, was adopted.

29th. Lucknow Municipal Board passed resolution that henceforth no address be presented to either the Viceroy and the Governor as they had forfeited public confidence by their actions.

30th. Bengal Congress Committee attended by 225 members approved of the Congress Compromise; Mr. Shyam S. Chakravarty resigned presidentship of the Bengal Committee and also from A. I. C. C.—Mr. Das' party came into power.

Nagpur Flag fight continued—total arrests up to date above 1000.

## JULY

**Chief Events.**—Last session of the first reformed Assembly at Simla—Kenya agitation gathering force, Dr. Gour's Reciprocity Bill passed—Maharaja of Nabha abdicated—Great Sikh discontent and the Nabha Akali agitation started—Sikh League and Gurudwara reform movement suppressed—Muslim rejoicings on Turkish victory at Lausanne.

1st. Liquor picketting in Madura Dist. started by Congress Volunteers—Satyagraha offered on this and following days—Volunteers arrested in batches.

2nd. Last Session of the first Reformed Assembly opened at Simla.

3rd. In contravention of Government Order, Lucknow Municipality decided to present an address to Pandit Motilal Nehru defraying the cost out of Municipal funds.

4th. In the Bengal Council motion urging the abolition of whipping as a punishment for prisoners was carried by the House.

5th. In the Commons debate on Salt Tax continued; Labor motion for the reduction of the India Office Estimates as a protest against the Viceroy's certification of the tax was rejected; the Estimates were adopted by 213 votes against 74.

6th. Second reading of the East India Loans Bill in the Commons.

7th. Govt. of India communique on Patiala-Nabha dispute issued stating that H. H. Maharaja of Nabha had agreed to abdicate.

8th. Working Committee of Congress met at Nagpur. After a Conference with Mr. C. B. Das eleven prominent members of the Swarajya party, Bombay, resigned their membership owing to differences of opinion with the extreme section of the Party.

Mr. S. Sadanand, Editor of *Rangoon Mail*, convicted on charge of sedition and sentenced to two year's simple imprisonment.

9th. In the Assembly the Commander-in-Chief announced the decision of His Majesty's Government regarding reductions in the Indian Army.

Maharaja of Nabha forced to abdicate and taken away from his Palace by Military guards to his exile to the hills.

All-India Congress Committee met at Nagpur and specially discussed the question of a Special Congress which was decided by a majority voting for it.

10th. Seth Jammalal Bajaj convicted by the City Magistrate of Nagpur and sentenced to 18 months' rigorous imprisonment.

All-India Congress Committee accepted the resignations of some members of the Working Committee; a resolution was unanimously passed congratulating Seth Jammalal Bajaj on his conviction.

Bombay Presidency Association of European Government Servants cabled to the Secretary of State for India emphatically protesting against Earl Winterton's recent statement that the uncovenanted Services were suffering from no financial disabilities.

In the Assembly Dr. Nand Lal's motion to amend the Government of India Act so as to restrict the Viceroy's powers of certification to measures essential for the safety and tranquillity of British India was partially adopted.

11th. In the Assembly motion for the early release of Mr. Gandhi, Maulana Hasrat Mohani and the Ali Brothers was rejected by 40 votes to

22; an amendment of Mr. Bhargava urging the release of Lala Lajpat Rai was also negatived.

12th. Bombay Govt. issued final orders to carry out the Sukkur Barrage Scheme.

At a meeting of Akalis in Amritsar resolutions were passed expressing indignation at the attitude of those disloyal servants of Nabha State who had helped in the deposition of the Maharajah.

13th. Secretary, Imperial Indian Citizenship Association, addressed letters to the Government of India on the Natal Ordinances and the Indian question in Kenya stating that an agitation for withholding of Indian co-operation from Imperial matters will be necessary if the position of Indians in the Empire did not improve.

15th. Sikh League, Simla, protested against the deposition of the Maharajah of Nabha and recorded determination of the Sikh Community to agitate till the Maharajah was reinstalled. H. H. Maharajah of Patiala issued a statement correcting certain misleading statements attributed to him in connection with the Nabha abdication.

16th. The cases against Mr. C. S. Waite in connection with the Indian Munition Board scandal were suddenly withdrawn by Govt.

Simla session of the Council of State opened.

Jamiat-ut-ulema at Delhi passed resolutions supporting Nagpur Flag movement and condemning the Suddhi Movement.

17th. In the Council of State Sir B. N. Sarma said that the Secretary of State had informed the Government of India of the provisional proposals of the Colonial Office in regard to the Kenya question which were then under correspondence between the two Governments; they were unable to disclose any further information.

In the House of Commons East India Loans Bill passed. Sir Robert Hutchinson's motion that 75% of the money raised in Britain by India be spent in Britain was hotly debated and received the support of Messrs. Lloyd George and Chamberlain.

18th. In accordance with Congress Working Committee's direction All-India National Flag day observed at many cities in sympathy with Nagpur Flag fight.

20th. Fiji Legislature adopted residential 'poll-tax' of a pound yearly to be levied on the Indian community.

Joint Hindu-Moslem manifesto issued for an All-India celebration on the Turkish triumph at Lausanne.

21st. Kenya day in the Central Legislature—Mr. T. V. Seshagiri Iyer's resolution recommending to the Governor-General in Council to move His Majesty's Government to concede Indian demands was passed unanimously.

Fifteen non-official members of the Council of State headed by Sir Maneekji Dadabhoy waited in deputation on H. E. Lord Reading in regard to the Kenya affair.

Dr. Varadarajulu Naidu prohibited from public speaking in Madura by order of the Magistrate—he disobeyed the order and delivered presidential address at the Periyakulam Taluq Conference.

22nd. In the Commons Sir Charles Yate drew attention to the resolution of the last Indian Congress repudiating liabilities of Govt. of India, and suggested that an assurance be given that one of the conditions on which

Responsible Government would be given to India would be that such obligations would not be repudiated.

Mr. Vallabhbhai Patel arrived at Nagpur to lead the flag fight under instructions of the Congress Working Committee.

Pt. M. M. Malaviya issued a public appeal in connection with the need for organising the Hindu Mahasabha to safeguard the interest of the Hindus.

23rd. In the Council of State Sir Maneckji Dadabhoi's motion for an enquiry into the system of taxation in India with a view to its thorough revision on an economic and scientific basis was adopted.

Representatives of thirteen Hindu religious institutions of Madras waited in deputation upon H. E. Viceroy not to give assent to the Hindu Religious Endowments Bill passed by Madras Council.

Hindu-Muslim fracas at Ajmere as a result of Muhammadans taking objection to the passing of a Hindu procession : five killed and 12 injured.

24th. In the Council of State Sir Maneckji Dadabhoi moved the adjournment of the House to discuss the question of Kenya. Sir P. Thakurdas, Mr. Raza Ali and others made spirited speeches protesting against the decision.—Council adjourned *sine die*.

Indian Associations of Johannesburg unanimously decided to challenge Immigration Act of 1923 by carrying an appeal to the House of Lords.

Turkish peace treaty signed at Lausanne.

The Kenya White Paper detailing the Cabinet's decision on the Kenya Indian question published.

25th. Kenya debate in the House of Commons—Sir Robert Hamilton's censure motion on the Indian question defeated to 207 by 186 votes.

Speaking at the Maritzburg Congress, General Smuts outlined his Government's policy on segregation of Indians : A Bill giving effect to it will be submitted to the next session of Parliament in January.

Turkish Peace Treaty celebrated in various parts of India—houses beflagged and illuminations put up at night.

26th. Serious Hindu-Muslim riot at Meerut as a result of strained feelings between Hindus and Mussalmans during Bakr-Id festival ; Military were called in to aid the Police.

Debate in the House of Lords on the Kenya decision : Duke of Devonshire hoped that the "solution," if accepted, would mean the opening of a brighter and happier era for the Colony.

27th. In the Assembly Dr. Gour's Reciprocity Bill aimed at the Colonials passed.

In a speech Mr. Sastri condemned the Kenya settlement as a profound humiliation and the deepest affront to India and suggested withdrawal from the British Empire Exhibition and the resignation of Indian Members of the Government of India.

H. H. Aga Khan issued manifesto stating that Peace Treaty signed at Lausanne was proof of Britain and other Western Powers to be good friends with Turkey and Islam.

Dr. Varadarajulu Naidu arrested at Salem for picketing liquor shops and disobeying an order served on him under Section 144 I.P.C.

28th. His Excellency Lord Reading prorogued the Central Legislature and in his speech strongly deplored the Kenya settlement.

44 members of the Assembly led by Mr. Seshagiri Iyer issued manifesto protesting against the Kenya decision.

29th. Picketing of Liquor shops in Madura suspended in accordance with the decision of the Tamil-Nadu Provincial Congress Committee.

Mr. Devaki Pr. Sinha, M. L. A., resigned from the Committee of the British Empire Exhibition in protest against Kenya decision.

31st. Hindu-Moslem riot at Panipath, 26 Hindus being injured—9 days' hartal was observed in the town by the Hindus.

## AUGUST

**Chief Events.**—All India agitation on Kenya decision—Lala Lajpat Rai, Mr. Mahomed Ali and other Fatwa prisoners released—Hindu-Moslem riots in U. P. & Punjab Contd.—End of Nagpur Satyagraha—Hindu Mahasabha at Benares.

1st. Death anniversary of Bal Gangadhar Tilak observed throughout India.

2nd. About 20 members of the Bombay Legislative Council issued a manifesto forming a non-Brahman Unionist party.

Sir Fazulbhoy Currimbhoy, President of the Indian Merchants Chamber, Bombay, telegraphed to the Viceroy the protest of the Chamber on the Kenya decision.

In the House of Lords in reply to criticisms of the Viceroy's Kenya speech of the 28th July Viscount Peel explained the relation of the Govt. of India to His Majesty's Home Govt.

3rd. All-India Congress Committee met at Vizag. and decided Delhi to be the venue of the Special Congress, Bombay having refused.

In the Commons Earl Winterton said that the Government of India had made proposals for the modification of election rules so as to remove the disqualification against political prisoners.

Dr. P. Varadarajulu Naidu sentenced to six months rigorous imprisonment for the Madura liquor picketing campaign.

4th. Sir Edward Maclagan interviewed Muslim and non-Muslim members of Lahore Municipality to bring about compromise in the presence of the Education Minister—non-Muslim Members refusing to withdraw their resignation His Excellency accepted them.

6th. H. E. Sir George Lloyd prorogued Bombay Council.

Newly elected Gurdwara Prabandhak Committee adopted resolution to act effectively against the deposition of the Maharajah of Nabha.

Pt. Rambhuj Dutt Chaudhury died at Mussourie.

Mr. Yakub Hassan who was sentenced to 2 years' imprisonment in Nov. 1921 in connection with the N.-C.-O. movement was released from Cuddalore Jail.

7th. Rt. Hon. Srinivasa Sastry was insultingly refused audience at the India office by the Secy. of State because of his strong views on Kenya.

Benares Liberal League passed resolution emphatically protesting against Kenya decision, supporting Dr. Gour's Reciprocity Bill and demanding the resignation of the Hon. Sir B. N. Sarma.

8th. In C. P. Council resolution urging cancellation of prohibitory order under Section 144 Cr. P. C. in Nagpur against the Flag processions was carried.

9th. C. P. Council passed two resolutions recommending unconditional release of all volunteers and Congress workers imprisoned in connection with the Flag agitation and asking that the pending prosecutions of those under arrest be withdrawn.

Representative American Missionaries in India issued memorandum to the American press explaining how the decision of the Supreme Court U. S. A. in regard to the rights of citizenship of Indian residents in America was prejudicial to Indo-American relations as well as the interests of Americans settled in India.

10th. At Durban Mr. Mackenrnan, ministerialist member, opened a strong anti-Indian campaign in S. Africa.

India office, London, issued exculpatory statement on the recent Sastri-Winterton episode in which the Rt. Hon. Srinivasa Sastri was meanly insulted by Lord Winterton refusing to see him.

Presiding at a public meeting in Calcutta, Sir Surendranath Banerji characterised the Kenya decision as an ignominious surrender of the Indians to the Whites.

11th. Dr. Choith Ram, formerly President of the Sind Provincial Congress Committee, released from jail at Dhulia.

12th. In the C. P. Council in reply to a question Government stated that it had no time to attend to the resolutions passed relating to the unconditional release of Nagpur Satyagrahis.

At a meeting of the Bengal Provincial Congress Committee, resolutions were passed dissolving the Council of the Committee as it no longer represented the opinion of the Committee; a new Council with Mr. Das' party was elected.

13th. C. P. Council passed a resolution urging the Government to authorise the depressed classes to enjoy equal rights and privileges with other classes in making use of wells, sarais, etc., built out of public funds.

In Nagpur Mr. Patel had a long interview with the Governor with a view to discuss the terms of compromise to end the flag fight.

14th. Dr. Kitchlew released from jail.

The sensational Munition Board trial commenced before Chief Presidency Magistrate, Calcutta, of Robert William Church, lately of the Indian Railway Board, who was brought to India from London by extradition warrant.

15th. Bengal Council: last session of the first reformed Council commenced its sittings.

Lucknow Municipal Board presented address of welcome to Pandit Motilal Nehru in contravention of Government order.

16th. Lala Lajpat Rai released from Jail at Lahore.

M. Hussain Ahmed, a Karachi Fatwa prisoner, released from jail at Ahmedabad.

In the Bengal Council Sir Surendranath Banerji's Calcutta Municipal Bill was passed.

Assam Council prorogued. Resolution recommending that there should be no further recruitment to the Indian Civil and other Imperial Services carried.

17th. End of Flag Fight—At Nagpur on the expiry of the prohibitory order on flag processions a hundred volunteers marched in procession through the prohibited area without interruption.

18th. Tamil Non-Brahmin Conference held at Trichinopoly under the Rajas of Ramnad.

In the Bengal Council futile attempt was made to refuse demands for grants for Empire exhibition.

**Govt. of India Resolution on Kenya White Paper published.**

At a Conference of All-India Sanatana Hindu Sabha, Benares, Pandit Malaviya's motion for the removal of untouchability was rejected.

**19th. Seventh session of Hindu Maha Sabha opened at Benares.**

**20th.** Bengal Council agreed to a motion urging amendment of electoral rules to remove disqualification of voters who have undergone imprisonment; resolution urging the release of all political prisoners was negatived.

**21st. Bengal Council prorogued.**

Hindu Maha Sabha passed resolutions condemning Government for the Maharajah of Nabha's abdication.—condemning Ajmere Musalmans who defiled Hindu temples, requesting Hindus and Muhammedans of Panipath not to disturb or interfere with each others' prayers, and expressing desirability of taking back all Malkana Rajputs who are willing to come back into the Hindu fold.

**Annual Convocation of the Bombay University.**

**22nd.** As desired by H. E. the Viceroy, the Indian Mining Federation, Indian Merchants Chamber and Bureau of Bombay and other public bodies met the Hon. Mr. Chadwick at Calcutta to discuss the position of the coal trade.

**23rd.** United Provinces Liberal Conference at Benares, Mr. A. P. Sen presiding, denounced the Kenya decision and urged a well-devised scheme of stern reciprocity, also for provincial autonomy and substantial responsibility in the Central Govt.

**24th. Serious Hindu-Moslem riot at Saharanpur:** trouble arose out of brickbats being thrown at Mubarram procession; police opened fire killing 6 and injuring 65.

**26th.** A serious riot broke out at Agra while a Muslim procession was passing a Hindu temple; firearms were used in the fight.

**27th.** Hartal in connection with the Kenya decision was observed all over India.

Mr. Jannadas Dwarkadas resigned his membership of the Central Advisory Committee of the British Empire Exhibition in protest against Kenya decision.

**29th.** In the B. & O. Council Government demand for one and a half lakhs for the establishment of a sugar factory in South Bihar rejected, the members objecting to Government competing with private enterprise.

**Mr. Mahomed Ali released from jail at Jhansi.**

Writing about the agitation in India on the Kenya decision the *Morning Post* asked how the Rt. Hon. V. S. Srinivasa Sastri can reconcile his leadership of the agitation with his position as a Privy Councillor and suggested his removal from the Privy Council.

**30th.** At the B. & O. Council a resolution recommending general pardon in favour of all political prisoners so as to render them eligible for election to the Council was carried against Govt. without division.

Messrs. Jans, Dalal and the Secretary of State for India were announced to be the Indian representatives at the Imperial Economic Conference.

Mr. Mahomed Ali arrived at Delhi and had a private conference with Hakim Ajmal Khan, Dr. Ansari, Dr. Kitchlew and other leaders on the current situation in the country.

**Chief Events.**—Kenya agitation continued—Sikh agitation on Nabha gathering force—Special Session of the Congress at Delhi—Swarajya Party election campaign opened.

1st. Bihar and Orissa Council prorogued.

2nd. A meeting of the Liberal Federation of India held in Bombay to consider Kenya decision and position of Indians in S. Africa; resolutions passed protesting against inadequate presentation of Indian case by India Office during the Kenya negotiations and supporting Dr. Gour's Reciprocity Bill.

3rd. Rt. Hon. V. S. Srinivasa Sastri issued lengthy statement on the Kenya situation before temporarily retiring from public life in the interests of health.

348 Nagpur Satyagraha prisoners including leaders released from jail unconditionally.

5th. Indian Merchants Chamber of Bombay resolved in protest against the Kenya decision not to participate in Empire Exhibition.

6th. Corporation of Bombay passed resolution declaring that immediate steps be taken to check the drink evil in the city.

7th. Salem Municipality issued circular to delete Empire day from the list of holidays and not to hold any celebration on that day in protest against the Kenya decision.

8th. Mr. K. Natarajan resigned office of J. P., Bombay, in protest against the Kenya decision.

9th. Under instruction from the S. G. P. O. huge demonstrations of Akalis marching in procession were held in Lahore, Amritsar and others Punjab towns.

Poona Municipal Council passed a resolution authorising presentation of an address of welcome to Mr. Mahomed Ali.

An official version of the events leading to the settlement of the flag fight in Nagpur published.

11th. Mr. Vallabhpatil issued rejoinder to the official Govt. version correcting their misstatements regarding the settlement of the flag fight in Nagpur.

12th. Replying to an address at Allahabad, Hon. the Nawab of Chhattari said that the so-called unity between Hindus and Muslims was a hollow phrase and the demand for Self-Government was premature.

Question of Council-entry discussed at Delhi at an informal Conference of Congress leaders; Committee of seven Muhammadans and seven Hindus formed to report as how best to eliminate friction between Hindus and Musalmans.

13th. Lala Harkishanlal reported to have resigned his office as Minister of Punjab.

14th. Beginning of the Jaito trouble—A huge Sikh Akali congregation at Jaito, Nabha, held political demonstration against deposition of the Maharaja—religious Diwans held and *akhand-path* opened but they were besieged by the police and troops and after a small skirmish were driven out.

15th. The Special Congress opened at Delhi—Congress confirmed by an over-whelming majority the resolution passed by the Subjects Committee removing the ban on Council-entry.



16th. All-India Native States Subjects Conference held at Delhi under Mr. N. C. Kelkar—All-India organisation for agitating on constitutional reforms in Native States formed.

18th. Congress endorsed resolution of the Subjects Committee reaffirming the Khaddar programme and proposing the boycott of British Empire goods.

19th. Special Session of Congress concluded—resolutions passed in respect of the Shuddhi and Sangathan movements; the attempt to indirectly commit the Congress to work for Swaraj outside the Empire failed by a narrow majority.

20th. Special Congress sanctioned Rs. 5,000 for the Civil Disobedience Committee and an equal amount for the Hindu-Muslim Committee for carrying out their objectives; Swaraj Party leaders held a meeting at Delhi.

21st. H. E. Viceroy decided to postpone till 1924 the session of the Chamber of Princes announced for the next month.

Pandit Jawahar Lal Nehru, Mr. Gidwani and Mr. Santanam arrested at Jaito along with a Sikh Jatha.

22nd. At the Assembly of the League of Nation at Geneva, H. H. the Jam Sahab of Nawanagar representing India speaking on the Italo-Greek Conflict asserted that the League was the citadel of refuge of small nations and that India would stand by the League without reservation.

23rd. Executive of Jamiat-ul-ulema decided to appoint a Sub-Committee to investigate on the desirability of modifying the Fatwa against Council-entry.

24th. Akali Jathas leaving daily for Muktesar; Dr. Kitchlew issued manifesto requesting Nationalist leaders to give their opinion as to whether the Civil Disobedience Committee should participate in the campaign of passive resistance launched in Nabha by the Akalis.

At a meeting of the Corporation of Bombay there was a demonstration of protest against presenting a farewell address to H. E. Sir George Lloyd; about 200 Nationalists participated in the demonstration.

25th. Calcutta Police searched & raided office of Bengal Provincial Congress Committee & several Nationalist houses and arrested a dozen Nationalists including the Congress Secretary under Reg. 3 of 1818.

26th. A serious communal disturbance occurred at six miles from Budaun in Allapur; thirteen houses were burnt and property of considerable value looted.

Bombay Corporation disturbed by huge unruly crowd while discussing the question of presenting an address to the retiring Governor.

27th. Sir Purshottamdas Thakurdas, President of the British Colonial Merchants Association, forwarded a striking letter to H. E. the Viceroy expressing deep disappointment and resentment of the Association at the Kenya decision.

28th. Govt. of Bengal issued communique on their recent arbitrary arrests of leading N. C. Os. under Regulation III of 1818.

29th. H. H. the Maharajah of Alwar and Sir Tej Bahadur Sapru had two preliminary Conferences with Viscount Peel at the India Office in the matter of representing India at the Imperial conference.

30th. General meeting of the Shiromani Gurdwara Prabandhak Committee at Amritsar passed important resolutions nominating their successor after they were arrested, sanctioning Council-entry and obtaining a solemn declaration of non-violence against repression of their members.

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**Chief Events.**—Imperial Conference in London discussed question of Indians Overseas opened by Sir Tej Bahadur Sapru  
 ✓Swarajya Party election campaign opened—Central Sikh League and S. G. P. C. gagged.

**1st.** Imperial Conference of Dominion Premiers opened in London by Mr. Baldwin, the Prime Minister—Indian delegates attended.

**Imperial Economic Conference** opened in London by Sir Phillip Lloyd Graeme—Mr. Innes, representing India, promised Indian help and said that India will spend 10 millions sterling on Ry. Stores in the following years.

Bombay Government circularised the various public bodies that public places and institutions belonging to Government should be thrown open to the untouchable classes.

Mr. Hasrat Mohani in Poona Jail sentenced to two years' rigorous imprisonment for having bribed a jail servant and for breach of the Prisons Act.

Sardar Sir M. Kantaraja Urs, late Dewan of Mysore, died.

**2nd.** All India Birthday celebration of M. Gandhi—About 150 ladies from Bombay and Poona went to the Yerawada Gaol, Poona, in a procession to offer their homage to M. Gandhi on his birthday; they were not allowed to see him but they worshipped a picture of the Mahatma at the Jail gate and then left.

Presiding at the Sikh Political Conference at Amritsar Dr. Kitchlew made a strong appeal for civil disobedience.

**3rd.** Government of Bengal issued further communique explaining their action in detaining certain persons under the Bengal Regulation III of 1818.

Genl. Smuts and Sir Tej Bahadur Sapru had a long conversation when the position of Indians Overseas was discussed; in a letter to the press, the Indian Parliamentary Committee under presidentship of Col. Wedgwood declared that the Kenya decision had jeopardised the position of Indians all over the Empire.

Pandit Jawaharlal Nehru, Messrs. Santanam and Gidwani sentenced by the Nabha Court to 2 and half years rigorous imprisonment. Administrator of Nabha suspended the execution of the sentence and ordered them to leave the State which they did.

**4th.** Duke of Devonshire, speaking at the Imperial Conference, reviewed the Empire Colonial Policy—In the course of discussion that followed it was decided to devote a day of the session specially to the question of the position of Indians in the Empire.

**5th.** Patna Municipal elections returned majority of Congress members—Mr. Rajendra Prasad topping the list.

Indian Journalists Association, Calcutta, passed strong resolution condemning Govt. of Bengal for deporting under Regulation III of 1818.

**9th.** District Magistrate, Delhi, found the editor of the *Tej* guilty of stirring communal hatred and sentenced him to undergo simple imprisonment for one year.

**10th.** At the Imperial Economic Conference Mr. Innes on behalf of India pleaded that India was not in a mood to accept Imperial preference.

**11th.** Annual session of the Indian Railway Conference opened at Simla.

Viscount Peel defended India's action in making the reservation: the Opium Commission at Geneva, regarding the use of opium in India.

Animated discussion at the Bombay Corporation on Mr. Patel's resolution proposing the boycott of British Empire goods was adjourned.

12th. Public meeting held in Poona to protest against the Kenya decision and to concert measures to secure its reversal.

U. P. Political Conference opened at Benares—strong resolutions were passed in the next two days of which one set up complete Independence as the ideal of Swaraj.

14th. Sikh repression started by Punjab Govt. at Amritsar—All members of the Gurdwara Prabandhak Committee arrested on charges of sedition and waging war against the King; S. G. P. C. declared an unlawful assembly. The office of the *Nation*, Lahore, was raided and the editor arrested. Arrest of Sikh leaders continued in the following days.

Election manifesto for the Swarajya Party issued from Allahabad over the signature of Pt. Motilal Nehru, Genl. Secy.

15th. Bombay Corporation accepted by an overwhelming majority the resolution of Mr. V. J. Patel for the boycott of British Empire goods in retaliation for the Kenya decision.

16th. Tariff Reform League of India formed at Bombay at a meeting of prominent economists and financiers with Mr. Lalubhai Samaldas as chairman.

Central Sikh League prohibited from holding its Annual Session at Jullunder by order of the Magistrate—a large Police and Military Force besieged the League's pandal and prohibited entrance.

17th. Sir Tej Bahadur Sapru had an interview with Premier Massey in connection with the question of the status of Indians Overseas.

H. E. the Viceroy delivered important observations on the political situation at a dinner at the Chelmsford club, Simla, giving grave warnings to the Swarajists, the Sikhs and their supporters.

Nine members of the S. G. P. C. issued declaration that they constituted new Working Committee of the S. G. P. C. and completely identifying themselves with the causes for the prosecution of which the previous Committee was arrested.

Central Sikh League held in a village outside the boundary of Jullunder district in view of the order prohibiting its holding in Jullunder; resolutions were passed approving the attitude of the Gurdwara Committee towards the Nabha affair and generally supporting the Akali campaign.

A fracas took place at Jhansi when Muslims attacked the Hindu Dasara procession.

Standing Committee of the Bombay Corporation passed orders that articles manufactured in Italy, America or Germany be employed instead of British Empire goods in Municipal constructions.

19th. At an important meeting of Turks, Afgans and Indians at Kabul resolutions were passed congratulating Mustafa Kemal Pasha on the Turkish victory, and Maulana Azad, Lala Lajpat Rai, Mahomed Ali and Dr. Kitchlew on their release, and urging all communities in India to secure M. Gandhi's release by peaceful means.

20th. Editors of newspapers in the Punjab warned by Government not to publish any communiqué emanating from the Gurdwara Committee.

In the Punjab Council attempt by a member to move an adjournment motion to consider the Akali situation was ruled out of order.

M. Mahomed Ali was presented with an address of welcome at Jhansi by the Municipality against Govt. order.

22nd. H. E. Viceroy received address of welcome from Municipal Committee of Lahore—in his reply H. E. referred to the Sikh agitation.

24th. Imperial Conference discussed the status of Indians in the Empire; long statements on the position were submitted by Lord Peel, Sir Tej Bahadur Sapru and H. H. the Maharaja of Alwar.

Sir George Lloyd laid the foundation stone of the Sukkur Barrage which according to the Chief Engineer, 'would convert a desert into a garden.' His Excellency gave an interesting outline of the whole scheme.

25th. Resolution urging the boycott of the forthcoming visit of the Viceroy was passed by the Allahabad Municipal Council.

A resolution asking the Municipal Secretary of Bombay to forward their boycott resolution to all Consuls in Bombay was defeated in the Standing Committee of the Bombay Corporation.

New Swarajist Daily paper "Forward", edited by Mr. C. R. Das, commenced publication in Calcutta.

26th. Mr. N. M. Samarth appointed a member of the Royal Commission on the Services in the place of Sir Chimanlal Setalvad resigned.

U. P. Council passed resolutions relating to the abolition of whipping as punishment for gaol offences and the separation of judicial and executive functions.

Akali leaders' trial commenced at the Amritsar Gaol before a Special Magistrate—defence counsel applied for bail which was refused.

International Labour Conference at Geneva accepted Mr. Chaudhury, the Govt. of India nominee, as Indian worker's delegate and overruled objections submitted by Indian Labour organisations.

27th. At the Patiala State Banquet H. E. the Viceroy and H. H. the Maharaja made references to the unfortunate Patiala-Nabha dispute and congratulated each other on its happy conclusion, despite the Akali agitation.

At the U. P. Council resolution advocating boycott of British Empire Exhibition in view of the adverse Kenya decision was defeated by a majority of 41 against 16.

Lahore Municipal Committee decided to drop the proposal to substitute a new statue in the place of the present Lawrence Statue.

U. P. and Punjab Legislative Councils prorogued.

29th. The office-bearers of the Borsad Municipality (Gujrat) resigned in protest against the Collector's objection to an address to Mr. Mahomed Ali—this incident later developed into a "No-tax" campaign.

Serious Hindu-Muslim riot took place at Bisalpur near Pilibhit, U. P. a gang of Muslims broke into the Kali temple with weapons and caused injuries to Hindu women.

A public meeting at Nagpur attended by Sir Gangadhar Chitnavis and others passed a resolution expressing determination to take all steps to protect Hindu religion from being assailed by Government on the one side and Muslims on the other.

Taluqdars of Oudh presented H. E. the Viceroy with an address of welcome at Lucknow—hartal observed in the Town.

30th. Bands of Akalis paraded Amritsar streets, Jathadars challenging Government to arrest them.

Poona Municipality passed resolution refusing to present farewell address to the retiring Governor of Bombay.

31st. At the Imperial Conference, London, H. H. Maharaja of Alwar and Lord Peel summed up the Indian case opened by Sir Tej Bahadur Sapru on the 24th—The result of the debate was embodied in a formula and no resolution was passed.

## NOVEMBER

**Chief Events.**—Council Elections all over India—defeat of Moderate stalwarts at the polls by Swarajists—Madras Council opened after the elections—Royal Commission began its sittings—Kenya draft Immigration Bill published.

1st. Proceedings of the Imperial Conference, London, published.

Lala Harkishen Lal, Minister for Agriculture, Punjab resigned his office, Hon. Raja of Kollengode appointed member of the Executive committee of the Govt. of Madras in place of Sir Mohd. Habibullah, appointed member of the Royal Commission.

3rd. Lord Lee and staff arrived at Delhi.

At the Tariff Board sitting in Calcutta the Bengal Chamber of Commerce refused to give evidence as they were opposed to giving protection to Tata Steel and Iron—Sir Robert Watson Smyth giving evidence opposed protection in India.

5th. Journalists' Association of India formed in Bombay to safeguard the interests of journalists and improve their status.

Government of India in a resolution expressed appreciation of the work done by Sir T. B. Saprú and H. H. the Maharaja of Alwar.

Official statement detailing treatment given to prisoners detained under the Bengal Regulation 3 of 1818 issued.

6th. Royal Commission held its preliminary meeting at Delhi—after the Royal warrant appointing the Commission was read, Lord Lee referred to certain misconceptions regarding the origin and purpose of the Commission; two questionnaires were drawn up and issued.

Drs. Khare, Paranjpye and Cholkar issued a report on the Hindu-Moslem tension in Nagpur.

Mr. V. Thirumalai Pillai unanimously elected President of the Madras Corporation.

7th. Mustafa Kemal Pasha's letter to the Indian National Congress expressing Turkey's appreciation of India's congratulation published.

Constitution and terms of reference of the Indian Bar Committee officially announced.

8th. Pandits Malaviya and Nehru returned unopposed in the Elections in the U. P. to the Assembly. Tanjore-Trichy Constituency returned Mr. A. Rangaswami Iyengar. to the Assembly by an overwhelming majority.

9th. Government of India's views on the recommendations of the Arms Rules Committee published.

10th. At Nagpur Hindu religious processions continued to pass with music before the mosques accompanied by Sir Gangadhar Chitnavis, Dr. Moonje and other leaders. Total number of arrests up to date 460.

11th. Summary of proceedings of the Imperial Conference, with a resolution embodying its conclusion on Imperial Defence and Sir T. B. Saprú's request for the reduction of India's contribution to the League of Nations published.

Mr. M. A. Jinnah returned unopposed to the Legislative Assembly from Bombay. Minister for Local Self-Government in Bihar returned unopposed to the Council.

13th. Akali Leaders' Trial in which Sardar Bahadur Mehtab Singh, President and 56 other members of the S. G. P. C. were tried for sedition, resumed and went on from day to day.

14th. Royal Commission examined public witness Mr. K. C. Roy at Delhi —Mr. Roy made a strong case against the Services' demands.

Acrimonious press controversy between Dr. Sapru and Genl. Smuts in London regarding the Indian question discussed in the Imperial Conference.

Informal meeting of the Congress Leaders at Amritsar resolved to form an Akali Sahayak Committee to help the Akalis in their struggle.

15th. Mr. Chaudhury, Indian delegate to the International Labour Conference, in an interview with Lord Peel submitted papers relating to the Labour grievances in India.

Sir Basil Blackett presiding over the Conference of the Finance Members from the various Provinces dwelt on the need for evolving a scheme of the future financial relations between the Central Government and the Provinces; details of the conference kept secret.

16th. Jazirat-ul-Arab day observed all over India offering prayers and demanding freedom of Jazirat-ul-Arab from Foreign control.

In a press note Bombay Govt. announced abolition of the Borsad Municipality for their N-C-O activities.

At a banquet in honour of Lord Lee and Members of his Commission at Delhi the Viceroy spoke on the importance of the Services to India.

17th. Bombay businessmen, including Sir D. E. Wacha and Sir Fazulbhoy Currimbhoy and others, declined invitation of the Associated Chambers of Commerce to attend their annual meeting as a protest against the views expressed by the Bengal Chamber regarding India's Mercantile Marine & protective duty on imported steel. Rao Bahadur T. Rangachari and Mr. S. N. Pochakanwala, Managing Director of the Central Bank, subsequently also refused to attend.

19th. Signs of Hindu-Muslim unrest again evident in Nagpur; Muslims showered stones, brick-bats and shoes on Hindu religious processions.

20th. New Ministry appointed in Madras, with the Raja of Panagal as the first Minister, Rao Bahadur A. P. Patro 2nd Minister, and Dewan Bahadur T. N. S. Pillay as 3rd Minister.

Bombay Corporation decided to present a farewell address to Sir George Lloyd; Nationalist members vehemently opposed the resolution.

21st. At Nagpur a fight at last broke out between Muslims and Hindus.

22nd. Before the Royal Commission at Allahabad U. P. Govt. Servants' Association submitted a long memorandum making some amazing demands.

M. Mahomed Ali was presented with an address of welcome by the Poona Municipality.

23rd. Hindu Ganapati procession passed off in Nagpur without any untoward incident being escorted by the heads of police with a strong force.

Calcutta Marwaris expressed the view that an independent Indian Bar was essential to make India self-contained and to make justice available to the people at reasonable cost.

26th. Burma Legislative Council began its winter session.

New Madras Council opened after the elections by the Governor.

Mr. Shankat Ali applied to the Government for issue of passports to enable a Khilafat Delegation to visit Angora, Constantinople, Palestine, Syria and other Arab States.

Before the Tariff enquiry committee at Bombay European Chambers strenuously opposed suggestion of imposing protective duty on imported steel and iron in India.

Indian Mercantile Marine Committee commenced its sittings in Bombay and began to examine witnesses.

27th. Congress Working Committee issued manifesto to the Press inviting

attention of Indian newspapers to the need of exercising great restraint when dealing with matters likely to affect inter-communal relations.

Before the Tariff Board Indian Merchants' Chamber and Bureau, Bombay, put forward a vigorous plea for the protection of the steel industry in India.

In the Madras Council animated debate on a motion of "No-confidence" on Ministers ended in defeat of the motion by 65 votes to 43.

Lord Goschen appointed Governor of Madras on the retirement of Lord Willingdon.

Draft of the Kenya immigration bill published for public opinion.

28th. Before the Royal Commission Mr. Justice Suleman giving evidence urged that racial proportions must be abandoned in the Judicial Branch; he also advocated the separation of Judicial from the Executive branch.

Engineering Congress opened its ninth annual meeting at Bombay.

British Columbia Legislature adopted resolution opposing enfranchisement of Indians in the province.

29th. Fourth session of the All-India Social Workers' Conference met at Bombay. Mr. Lalubhai Samaldas pleaded for study of causes of social evils; Dr. Annie Besant presided.

Before the Marine Committee the Bombay Rice Merchants' Association advocated reservation of coastal trade to India; two European witnesses opposed the formation of an Indian Mercantile Marine.

30th. Sir Tej Bahadur Sapru arrived in Bombay from his deputation to the Imperial Conference, London, and addressed a public meeting on the work done there.

In Calcutta election Sir Surendranath Bannerjee was defeated by a Swarajist candidate, Dr. B. C. Roy: in the Calcutta University constituency Dr. Promotho N. Bannerji, a Swarajist, defeated Sir Nilratan Sircar. The Advocate Genl. Mr. S. R. Das was defeated by another Swarajist, Mr. Satcowripoti Roy. These were crowning triumphs of the Swarajist party over the Moderates—Sir Surendranath retired from public life after this defeat.

At St. Andrews Dinner at Calcutta Lord Lytton spoke on the political situation in Bengal; he referred to the Swarajist success in the elections, Non-Co-Operation and revolutionary crime in Bengal as being all related.

Before the Marine Enquiry Committee the Indian Merchant's Chamber and Bureau put forward a strong plea for the formation of an Indian Mercantile Marine.

## DECEMBER.

**Chief Events.**—Crowning swarajist success in Bengal & C. P.—Mr. Das refused to form Ministry in Bengal—Defeat of Moderate Leaders at the polls contd.—Royal Commission, Tariff Board and Marine Committee collecting evidence—Annual Sessions of political and other bodies.

3rd. Annual General Meeting of the Associated Chambers of India and Ceylon opened at Bombay by the Governor with a speech in which he lavished unbounded encomiums on the British Services which, he said, were pining now for more pay—he further stated that India was growing rich and prosperous and should pay more to the Services.

4th. Allahabad Congress Committee recommended a change in the Congress creed, namely, the attainment of Swarajya (complete Independence) by the people of India by all legitimate and peaceful means.

5th. Royal Commission commenced sittings in Bombay and heard views of the European Association and the I.C.S. Association who referred to the attacks of Indian politicians and demanded certain safeguards from public criticism.

At the final sittings of the Associated Chambers' annual meeting resolutions relating to steel industry, store purchase and other commercial subjects were passed; the Hon. Mr. Chatterjee made a lengthy statement regarding the Post and Telegraph Service.

6th. Election results in Bengal issued: of the 114 seats open to election by the General and Special constituencies 45 were captured by members of the Swaraj Party and 15 of that party's nominees were defeated.

Results of the elections to the Bihar, Punjab and Assam Councils published—Swarajists were not so successful in these provinces as in U. P., Bengal & C. P.

Mr. Jinnah's application in the Bombay High Court for an interim injunction to restrain the Corporation from presenting an address to Sir George Lloyd was refused.

8th. Presiding at the Punjab Provincial Political Conference Lala Lajpat Rai remarked that their leader (M. Gandhi) failed them at the critical moment for he pitched his ideal of non-violence too high for practical purposes; the Lala declared that the triple boycott was dead.

Royal Commission took evidence of the C. P. and Berar I.C.S. Officers' Association who in their statement said that the only form of Government known to India was bureaucracy!

9th. At a meeting of the Maharashtra Swaraj Party Mr. M. R. Jayakar declared that the business of the party was to end diarchy at once and secure Provincial Autonomy.

10th. Royal Commission took evidence of Dr. Paranjpye who said that if the Services are amenable to the Legislature, the latter will regard them as its servants and will not needlessly interfere with them or do anything to reduce their usefulness or efficiency.

Sir Leslie Wilson, the new Bombay Governor, was given a warm reception in Bombay; in reply to an address he said that he had come to India with the determination of understanding the aspirations of its people.

11th. European Association of Bombay giving evidence before the Royal Commission complained of Indian Press comments on them and said that the Civil Service must rule and administer both in the Central Legislature of India and in the Provinces.

Before the Mercantile Marine Committee at Bombay Indian merchants put forward a strong plea for the creation of an Indian Navy.

A resolution to remove the Empire Day holiday from the list of Municipal holidays was defeated in the Bombay Corporation after a hot debate.

In the Madras Council Mr. Satyamurti's motion for boycott of the British Empire Exhibition was hotly debated and then lost.

12th. S. Kasturiranga Iyengar, Editor of *Hindu*, Madras, and a prominent Congressman, died.

13th. Election results issued in U. P.—Mr. Chintamani was defeated by a Swarajist; another Swarajist defeated Munshi Ishwar Saran; 40 seats in the U. P. Council went to candidates from the Swaraj Party; Swarajists won every seat wherever they opposed a Liberal or constitutionalist candidate.



Before the Mercantile Marine Committee Sir Montagu Webb giving evidence considered the desire of Indians to build up a steamer industry a very natural ambition but thought that the time for creating ship-building industry was not yet ripe.

**Das-Lytton interview at Govt. House, Calcutta**—Lord Lytton asked Mr. Das whether he would undertake responsibility for the administration of the Transferred Departments; the latter informed His Excellency that he would place the question before his Party.

14th. Mr. C. R. Das, in a statement to the Press, explained the attitude of his Party towards the Congress; he emphasised on the reorganisation of the Congress and establishment of Hindu-Muslim unity on a sound basis.

Sikh Members of the Punjab Council requested Governor to postpone the appointment of the new Ministers until they were given a hearing which was ignored.

**Second Annual Conference of All-India European Associations held at Calcutta** with Mr. H. W. Carr as president—strong resolutions were passed opposing Indian political and fiscal demands.

15th. At the European Association, Calcutta, H. E. the Viceroy made an important pronouncement on his policy of rallying Europeans against the Swarajist threat and held out threats for 'undue precipitancy' of Indian demands.

16th. Nationalists and Swarajists of Bengal Council held conferences at Calcutta under Mr. C. R. Das. —The Bengal Hindu-Muslim Pact adopted.

Report of the Congress Committee on Boycott of Empire goods issued.

Mr. C. R. Das sent letter to H. E. the Governor regretting his inability to form the Bengal Ministry as his party had decided to reject all Government measures until the National Demand for Provincial Responsible Government was granted.

17th. Mr. Konda Venkatappayya, Chairman of the Reception Committee, Coconada Congress, issued an appeal inviting all leaders of political thought in the country to attend the forthcoming Coconada Congress.

Bombay Governor appointed the Hon. Mr. Hidayatullah, Mr. B. V. Jadhav and Mr. Ali Muhammad Khan as Ministers.

18th. Before the Royal Commission Dr. Goar giving evidence urged the appointment of the Statutory Commission on Constitutional reforms along with the consideration of the Services' grievances. Next day Sir C. Setalvad also giving evidence emphasised the same point.

19th. Pandit Motilal Nehru called a meeting of the General Council of the Swarajya Party at Coconada on the 26th Dec. to consider, among other matters, the formulation of specific demands on behalf of India to be presented to the British Government.

European Association, Calcutta, passed strong resolution against any extension of the Reforms prior to the Statutory Commission of 1929.

The Bengal Chamber opposed the formation of Indian Mercantile Marine on the ground that India was part of the British Empire and enjoyed the benefit of the greatest Marine Service in the world.

Mian Fazli Hussain and Rao Bahadur Lal Chand appointed new Ministers in the Punjab.

20th. Nawab of Chhatari and Raja Permanand appointed new Ministers of U. P.

At the Upper India Chamber of Commerce Sir Malcolm Hailey delivered a fighting speech on the hold of the Services and Britishers on India which they were not going to yield to Indian agitation.

31st. Anglo-Nepalese treaty of friendship signed at Katamundu—it aimed at getting more Gurkha Soldiers for Britain.

22nd. C. P. Governor requested Dr. Moonje, Swarajist leader, to from Ministry which he refused.

23rd. Press and platform protests by Hindu leaders against Mr. Das' Bengal Pact started—Lala Lajpat Rai, Pt. Malaviya, Maharaja Darbhanga and others strongly objecting to the Hindu surrender to Moslems.

Mr. S. N. Mallick and Mr. Fazl-ul-Huq appointed Ministers in Bengal.

25th. All-India Khadi Exhibition opened at Cocanada by Dr. P. C. Roy.

The first All-India Volunteer's Conference opened at Cocanada with Pt. Jawahir Lal Nehru as President.

26th. Sixth session of the National Liberal Association opened at Poona with Sir Tej Bahadur Sapru as President.

27th. In the Congress Subjects Committee at Cocanada, the U. P. motion that "Swaraj" meant "complete independence" was lost after a heated debate.

10th All-India Khilafat Conference met at Cocanada under M. Shankat Ali as President.

10th session of All-India Christians' Conference held at Bangalore with Mr. K. T. Paul as President, who feelingly appealed to Indian Christians to join the nationalistic movement in the country.

28th. Indian National Congress, 38th Session, opened at Cocanada, M. Mahomed Ali presiding.

29th. The 5th Session of the Jamiat-ul-Ulema opened at Cocanada under M. Syed Hussain Ahmed as President.

Second Session of National Social Conference held at Poona under Prof. G. C. Bhate—Dr. Paranjpye delivered an important address.

All India Social Conference held at Cocanada under Sir Sadasiva Aiyer as President.

30th. Fourth All-India Students' Conference opened at Cocanada with Mr. C. B. Das as President.

31st. Cocanada Congress passed the Das—Acharyar compromise resolution relating to Council-entry by Congressmen by an overwhelming majority.

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HOME POLITICS  
1922-23

# N-C-O after Gandhi

The first volume of the 1922 REGISTER gave a detailed history of Non-co-operation in 1921, which was then the only national politics of India, till the arrest of Mahatma Gandhi in March 1922. It remains now to chronicle the history of Non-co-operation after this period.

The arrest of the Mahatma and his sentence on the pretext of sedition were, as subsequent events have proved, a mere matter of imperial policy. The Die-hards of the Curzon—O'Dwyer gang were then going strong in England and their insistent demand, which that "wizard" Premier, Mr. Lloyd George could hardly ignore if he wanted to keep his premiership safe, was voiced by Michael O'Dwyer thus : *"If India is to get peace two things must go. One is Montagu and the other is Gandhi. Both should go together."* And both did go together. Mr. Lloyd George thus secured to himself the conservative backing necessary to pursue his phil—Hellenic policy in the Far East. Imperial interests required that Gandhi's non-violent non-co-operation should go, and so the one man who stood against violence almost against his country at Bardoli and Delhi in suspending all aggressive action including civil disobedience was packed up and sent to jail in the name of "Law & Order." It was all on a par with the arrest and detention in jail of Messrs Das, Nehru, Lajpat Rai and thousands of others in the previous December. Moulana Hasrat Mohani was similarly sent to jail in April 1922 on the same pretext of sedition uttered 4 months back in the Ahmedabad Congress (in this case the judge went against the jury who unanimously found him not guilty).

Indeed, the situation in the country was favourable to the Government. Bombay and Chauri Chaura had demolished the fine edifice of non-co-operation which Gandhi had built up in the last two years. If they showed one thing clearer than all else, it was that there were more satans in Gandhi's ranks than in the "Satanic" Govt. The course of events in 1923 when riots became the order of the day afforded ample demonstration. Hence it was that Gandhi, who was not a man to compromise with his conscience, determined at Bardoli to eliminate all possibilities of violence before his mass action of civil disobedience could be begun. But it was not to be. Non-co-operation fell, as the Liberal leaders had warned long ago, not under the blow of Government but from its own violence. It would have fallen all the same had Government ignored it as Lord Chelmsford did in 1920. There was never a true union of hearts: an intelligent

understanding of a common object, within the Congress-fold. Not to speak of the masses, whom the Mahatma took to be his main-stay, the mob, the hooligan, whom he credited too much with non-violence, there was no real cohesion even amongst the leaders of the movement.

### Rising Discontent.

This was seen even so early as in February 1922 at the A. I. C. C. meeting at Delhi. Lust of blood already drawn at Bombay and Chauri had maddened the crowd into an open defiance of their great leader, and immediate civil disobedience was demanded. After his arrest and the quiet dignity of the trial, however, there was a lull in the country and the voice of non-co-operation lay hushed in gloomy retrospection. Gandhi had left only one message to the country : Khaddar ; and only one injunction : drop civil disobedience. But where was politics ? Khaddar was not politics enough, nor the Bardoli programme. The lawyers, doctors, schoolmasters, zamindars, merchants, swamis and moulvis that made up the A.I.C.C. could unite on a common platform of politics but they could not be all Khaddar-wallas. So parties now raised their head and new programmes were put forth. The earliest essay was by Pandit Madan Mohon Malaviya. Pandit Malaviya, when he came to Bombay immediately after the conclusion of M. Gandhi's trial, addressed a public meeting in which he gave the broad hint that he had a scheme nearly ready for the early attainment of Swaraj and hoped to hold a conference of leaders of all political parties for considering the scheme. Mr. V. J. Patel, General Secretary to the Congress, however made a public protest and deplored the Pandit's idea of an alternative scheme as being inopportune and unwise in view of the fact that there was already the cut and dried scheme of constructive work before the country. On this Pandit Malaviya dropped his scheme. Next came Maharashtra. Maharashtra had never taken the full programme of Gandhi, and even so early as the 15th March 1922 the Nagpur branch appointed a committee to revise the plan of national work, especially as, it was said, the Mahatma had been removed from the field and as a full trial to his scheme had already been given and found wanting. Within a month, namely on the 14th April, the Maharashtra Congress Committee made a strong recommendation to the A. I. C. C. urging modification of the Congress programme and making the "principle of the agitation to be manfully to face the Government and capture all public bodies, including Councils, with a view to carry out the policy of Non-co-operation" in every department of public activity. This view was finally adopted by the C. P. Congress Committee on May 7th.

In South India, too, Mr. Satyamurthi ventilated the question of

Council-entry as the only alternative to civil disobedience, and though there was a great volume of opinion against him, there was much talk in Congress circles of reviving civil disobedience. A hint of this Council-entry was also given in Mrs. C. R. Das' presidential address at the Bengal Provincial Conference held at Chittagong about the middle of April. The Northern India Congressmen had never given up the idea of civil disobedience, and when the question of revision of programme was again raised, they insisted on launching the campaign at once. In a speech at Calcutta about the end of April, Mr. V. J. Patel, the Congress Secretary, declared that the date was not far distant when civil disobedience would be resumed. And in a subsequent speech he explained this dictum to mean that the Congress had not dropped civil disobedience at all but had temporarily suspended the date to tide over the prevailing spirit of violence. In May the Bengal Congress Committee sitting at Mymensingh under S. H. Nag passed a resolution permitting individual civil disobedience and demanded prompt sanction from the A. I. C. C. The Berar Congress Committee followed suit. And so on till the whole Congress organisation fell to pieces. The volunteer movement collapsed, the huge Congress fund frittered away, lawyers who had suspended practice came back to courts, students who had non-co-operated either returned to their colleges or simply idled away, foreign cloth again captured the market, and nothing remained of the huge N-C-O machinery of 1921 save the skeleton programme of constructive work.

Some few leaders of non-co-operation under the directions of the Working Committee did, indeed, labour valiantly to obey the behests of their leader and to unite his now scattered following in pursuit of the constructive programme. In meetings of the Congress and the Khilafat Committees it was agreed to pursue the period of preparation until June, when the situation would once more be reconsidered. Pt. Motilal Nehru was coming out of jail on 6th June. In the meantime the Working Committee tried to divert all funds towards Khadder production and propaganda. It declared the 18th day of every month to be observed as a day of national prayers to concentrate all attention on the Mahatma in prison. But serious disunity soon became apparent. Leaders soon raised their voice against the constructive programme, and demanded modifications such as would provide at once some outlet for enthusiasm and some prospect of immediate advancement. The Working Committee of the Congress accordingly, in their meeting at Bombay in the middle of May, called a meeting of the All-India Committee at Lucknow on 7th June 1922 when it was proposed to discuss and decide upon all the new proposals that had cropped up since the arrest of the Mahatma.

## The Lucknow A. I. C. C.

The All-India Congress Committee met at Lucknow on June 7th. 1922. Some 100 out of 350 members attended and the meeting was at first held with closed doors till Pt. Motilal who came on the next day made the proceedings open. The general situation in the country was discussed. Members representing Bengal, U. P. and the Punjab urged to have civil disobedience started in some form or other. Maharastra refused to attend the meeting and the Maharastra Congress Committee wired to the President to postpone discussion on the questions of Council entry and the boycott of schools and courts. On the absence of a definite lead in this respect the committee adjourned on the first day after passing some non-contentious resolutions. The first resolution proposed by Mr. Patel and passed unanimously ran as follows :—

The All-India Congress Committee, in this its first meeting after the imprisonment of Mahatma Gandhi, places on record his service to the cause of humanity by his message of peace and truth and reiterates its faith in the principle of non-violent non-co-operation inaugurated by him for the enforcement of the rights of the people of India.

The Committee then proceeded to elect three members to the Working Committee in the place of Mr. Gandhi, Mr. K. Venkataswamy and Sirdar Kharak Singh who were in jail. Five persons were nominated and on votes being taken by ballot Messrs. J. N. Sen Gupta, Lala Dhuni Chand and T. Prakasam were declared duly elected, the other two being Pundit Malaviya and Mr. Vallabhai Patel. The second resolution passed was :—

This Committee approves of the Working Committee's recommendation that provincial contributions to the All-India Congress Committee out of donations subscribed and collected during this year be reduced from 25 per cent. to 5 per cent.

## The third resolution ran :—

This committee hereby appoints a committee consisting of Swami Shradanand, Mrs. Sarojini Naidu, Messrs. K. Yajnik and G. P. Deshpande to formulate a scheme embodying practical measures to be adopted for bettering the condition of the so-called untouchables throughout the country and to place it for consideration before the next meeting of the Working Committee, the amount to be raised for the scheme to be rupees five lakh for the present. (Proposed by Swami Shradanand, seconded by Mr. Rambhuj Dutt Chaudhri.)

On the motion of Mr. K. Santanam of Madras, seconded by Mr. C. Rajagopalachariar, the house then went into committee and discussed the general political situation in the country, representatives of the different Provinces stating the views of their respective provinces. As nothing could be done in the absence of Pt. Motilal who had just then been released from gaol, discussion was postponed till the next day when Pundit Motilal Nehru attended.

## Civil Disobedience.

Next day, on the committee reassembling, Pundit Motilal Nehru moved the following resolution on civil disobedience :—

"Whereas repression in most severe form has been resorted to by Government in several parts of the country in spite of suspension of all aggressive activities, this Committee is of opinion : (1) that civil disobedience will have to be undertaken to enable the country to enforce its demands, and it accordingly calls upon Provincial Committees to make greater effort in working the constructive programme till September 30th 1922 when the situation will be considered by this Committee and the question of launching civil disobedience will be finally determined, and (2) that the President be requested to nominate and authorise a few gentlemen to tour round the country and report on the situation, by the 15th September.

The Pundit in the course of his speech admitted that there was a general demand in the country that some forward step should be taken. The first and essential thing to consider with regard to civil disobedience, he said, was their preparedness to launch civil disobedience. If they thought that they had reached a stage of preparedness, it was for them to pass a resolution to that effect. Though the days of excitement were practically over, the mad repression on the part of the Government was not only going on but was increasing day by day. His sympathy was with them for taking some action. That being the case it was necessary for all parties concerned to gather all information which the Committee to be appointed would collect after touring all over the country, before they undertook to launch civil disobedience.

Dr. M. A. Ansari in seconding this proposal alluded to the police atrocities in several parts of the country and the wholesale repression that was being carried on. The resolution only urged for the appointment of a Committee to enquire and report. Self-respect and national honour demanded that they should give some answer in one form or other to this repression and that too immediately. But they had first to see whether the country was really prepared for civil disobedience.

Sardar Sher Singh supporting the resolution mentioned the atrocities committed by the Govt. in the Punjab against the Akali movement. Mr. K. P. Kesava Menon alluding to the Malabar troubles stated that they were due to several causes, chiefly agrarian discontent, police oppression, ignorance of Moplahs and indiscretion of the District Magistrate. He mentioned the help rendered by Congress workers but said that they were harassed and imprisoned. He was personally aware of the allegations of woman outrage which Mrs. Naidu had made against the Gurkhas and the police. He spoke of cases of forcible conversion, looting and arson, and mentioned that there was great distrust between the two communities, Hindus and Moslems. He appealed to the leaders of the Moslem community to restore good



feelings between Hindus and Moslems. Civil disobedience, he pointed out, could not be launched till they had perfect organisation and till they were disciplined. Pt Rambhuj Dutt Choudhry said that until reconsideration of the programme was undertaken the general inactivity prevailing after the Bardoli resolution would not be removed. He was of opinion that unless the country was asked to take some strong action, popular enthusiasm would never come into play. He was for some definite action instead of passing mere resolutions. Swami Satya Deo was for complete civil disobedience. Mrs. Sarojini Naidu supported the resolution and spoke of the importance of the constructive programme and the necessity of mobilising and organising their forces before they marched to victory or death. There were, however, not less than six amendments on the agenda but as there was great difference of opinion the Committee adjourned for informal discussions to arrive at a settlement.

On June 9th after 4 hours informal discussion a formal meeting of the All India Congress Committee was held and Pandit Malaviya's amendment to the resolution was accepted and the resolution as finally passed ran as follows :—

"This Committee records its satisfaction that, although inspite of the suspension of all aggressive activities by the Congress Committee, repression in a most severe form has been resorted to by Government in several parts of the country, the spirit of Congress workers has not been daunted and the constructive programme laid down by the Committee is being loyally carried out at great sacrifice in every province. The Committee has taken note of the widespread feeling that, in view of the extremely unfair manner in which the policy of repression is being carried out by Government, the country should be advised to resort to some form of civil disobedience to compel Government to abandon their present policy and to agree to concede the triple demand of the Congress, but the Committee is of opinion that the carrying out of the constructive programme will be the best preparation for even Mass Civil Disobedience, while it will also be the most effective means of furthering the objects of the Congress. The Committee therefore earnestly appeals to the country to concentrate all its efforts upon carrying out the constructive programme to the fullest extent and to endeavour to complete it within the shortest period possible."

"That further consideration of the question, whether civil disobedience in some form or some other measure of similar character should be taken up, be postponed till the next meeting of the Committee to be held at Calcutta on the 15th August next."

"That in the meantime the President be requested to nominate and authorise a few gentlemen to tour round the country and to report on the situation to the next meeting."

The following note was added to the resolution :—

This resolution does not in any way affect the resolution passed at Delhi on 25th February last.

The net result of the meeting was that the A. I. C. C. deliberately refused to resort to any heroic measure to tackle the growing lethargy of the country. The Committee recommended

to the country the execution of the constructive programme as outlined at Bardoli, such as the spread of Khaddar, the campaign against untouchability and drink, but there was no indication as to how the constructive programme was exactly to be carried out in the light of experience in the past few months, in what ways obstacles were to be overcome, and through which agency it should be given effect to. These details were obviously left to be solved by the provincial organisations.

The Central Khilafat Committee, too, which had been meeting at Lucknow simultaneously with the A. I. C. C. passed their resolution on Civil Disobedience in the following terms.—

"Whereas our demands regarding Khilafat as well as other national demands have not been conceded up till now, and the attitude of the British Cabinet towards the Khilafat question has consistently been hostile, and whereas diverse kinds of repression and oppression are being practised to suppress and kill the movement for achieving the above objects, especially at a time when on our part we have absolutely abstained from having recourse to any kind of aggressive activity and, as a consequence, the country appears to be anxiously inclined to resort to some effective plan of action, therefore in view of popular inclination of the country, the Committee is of opinion that Civil Disobedience is eventually unavoidable, and for this purpose the Central Committee desires all provincial Khilafat Committees to put forth their utmost efforts to complete the Khilafat constructive programme by the 15th August 1922, when the Central Khilafat Committee will, after reviewing the situation, consider the question of launching Civil Disobedience."

It was further resolved that the Working Committee should select a number of persons to tour round the country with the Congress deputation and submit their report before the 15th August.

#### The Civil Disobedience Committee.

In pursuance of these resolutions the famous Civil Disobedience Enquiry Committee was next formed. The Committee appointed by the Congress consisted of Hakim Ajmal Khan, Pt. Motilal Nehru, Messrs Rajagopalachariar, Vithalbhai Patel, Seth Chottani, Seth Jamn Lal Bajaj and Dr. Ansari. The Khilafatists appointed another Committee consisting of Seth Chottani as president, and M. Abdul Majid, S. Sulaiman Nadvi, M. Abdul Kadir, M. Tassadaq Ahmed, Mr. Moazzam Ali and Mr. Zahoor Ahmed as members. This Committee was to co-operate with and accompany the Congress Committee of Enquiry.

The Congress Enquiry Committee began its work on July 1st. On June 30th a preliminary meeting was held at Delhi to settle the programme. Mrs. Naidu and Mr. Bajaj, however, could not join the Committee, the former owing to illness, and the latter because of his pre-occupation with the All-India Khadi organisation. Seth Chottani also was unable to take

part in the proceedings. The late Mr. Kasturiranga Aiyengar of the *Hindu* of Madras was elected in their place. A list of questionnaires was issued and intending witnesses in the different provinces were asked to supply the informations in writing. The questionnaire included a wide range of subjects and ran as follows.—

#### Constructive Programme Generally.

1. Do you agree that at present the constructive programme is to be worked to the extent necessary for strengthening and disciplining the Congress organisations so as to make them efficient and non-violent for civil disobedience?

2. Do you agree that the completion of the constructive programme is a question of years and that we shall have to continue to work that programme even after we get Swaraj?

3. Do you accept the view that as there is nothing of Non-co-operation in any of the items of the constructive programme, all parties in the country can unite in working it?

4. Do you agree that a Non-co-operator can work the constructive programme somewhat more effectively, particularly such items as national education, boycott of liquor, Khaddar and the like by entering the Councils and thus prepare the country earlier for civil disobedience and non-payment of taxes?

#### Swadeshi.

1. (a) How many Charkas are working in this Province? (b) How many are worked under private enterprise, how many under the Congress and how many as cottage industry?

2. How does the Congress supervise private enterprise and cottage industry?

3. How much yarn is produced monthly and of what qualities?

4. Are there any organisations for selling yarn; if so, are they private or Congress, if both give numbers of each?

5. Does the Province export or import yarn? How much and why?

6. How many Karghas or hand-looms are used in the Province?

7. How many weaving organisations are there in the Province? How are they controlled?

8. What is the monthly output of Khaddar and how is it sold? Is the Khaddar produced of pure hand-spun yarn or of mixed yarn?

9. Does the Province export Khaddar? Give approximate monthly yardage and the cost.

10. Is Khaddar popular in the Province? if not why? What is the percentage of Khaddar-wearing persons?

11. How does the price of Khaddar compare with that of rough mill cloth, Indian or foreign? If the price of Khaddar is high, what are the causes? Would you suggest some means of bringing down the prices?

12. How far has Khaddar progressed as compared with Indian mill-made cloth and foreign cloth?

13. Is the use of Khaddar increasing or decreasing; if latter why and how can it be remedied?

14. Compare this year with the last year with regard to the use of Khaddar—if it compares unfavourably, why?

15. How is your propaganda against foreign cloth going on and with what results?

16. Have you got any suggestions to make with regard to popularising Khaddar?

17. Have you got anything to say with regard to Khaddar as an item of the constructive programme?

18. How many institutions are there for teaching spinning and weaving and how are they controlled?

N. B. Khaddar includes hand-spun hand-woven cloth made of cotton, silk, wool or fabric produced in India.

#### Congress Members

1. What is the number of Congress members in the Province and what percentage of the population does this number represent?

2. How does the present year compare with the last so far as this item is concerned? If unfavourably, what are the causes? Suggest remedies.

3. Is the enrolment made after fully explaining the Congress creed to the members or not?

#### Volunteers

1. (a) What is the number of volunteers in the Province.

(b) How many are in and how many out of jail?

(c) How many of them have tendered apology?

2. How does the volunteer movement in this year compare with that in the first; if unfavourably, give causes and suggest remedies.

3. Have you got any suggestions to make with regard to :—(a) enrolment; (b) volunteer pledge; (c) organization.

#### Finances

1. How much money has the Province collected for the Tilak Swaraj Fund and how much as the membership fees? Give figures for 1921 and 1922. If the present year collections are less, why? 2. Give the chief items of expenditure for the last year. 3. Have the accounts been kept according to the forms prescribed by the Working Committee and have they been audited? 4. What improvements and alterations would you suggest as regards the collecting, distributing and control of accounts?

#### Education

1. How many national institutions are there in the Province and of what grades;

2. How do they stand financially and what are the sources of income?

3. What is the number of students and teachers in each grade?

4. How does national education this year compare with the last? If unfavourably, why? Suggest remedies.

5. Have you got any suggestions to make with regard to this item?

#### Panchayats

1. How many lawyers have suspended their practices?

2. What is the number of Panchayat Courts in the Province?

3. Are the Courts popular or not, if not why? Suggest remedies.

#### Untouchability and Anti-drink Campaign

1. How far have untouchability and drink been eliminated from the social life of the Province? Is the rate of progress hopeful? What measure has the province adopted? What further means would you suggest?

#### Unity

1. How does your province stand with regard to inter-communal relations generally? 2. If there is any friction, what are the causes and remedies in your opinion?

## Non-Violence

1. How far has the spirit of Non-violence progressed in the Province?
2. What is your opinion as regards the right of private defence in relation to this movement.

## Civil Disobedience

1. Is your Province as a whole or in part ready to start Civil Disobedience; if so, whether individual or mass and defensive or aggressive?
2. If your province is ready for Civil Disobedience, can you say whether it is for Disobedience of every unmoral law or of some? If the latter, mention the particular laws.
3. What would be the effect on the general situation in the country if a province undertakes isolated action in regard to Civil Disobedience?
4. Do you think that the majority of the Provinces are ready to start Civil Disobedience simultaneously?

## Repression

1. To what extent repression is practised in the Province?
2. Is terrorism also resorted to? If so to what extent?
3. How are the political prisoners treated in jail?
4. What particular and peculiar forms of repression, if any, have been adopted in your province? What effect has repression produced on :—(a) masses, (b) workers, (c) spirit of Non-violence.

## General Situation

1. How has the movement of non-co-operation affected the general situation in the country?
2. How has the repression affected the movement of non-co-operation?
3. How have the Bardoli-Delhi resolutions affected the movement?
4. Is any change in the programme required? If so, in what direction?
5. Have you got any suggestions to make as regards making the movement more effective?

## The Work of the Committee

The regular sittings of the Committee was started at Delhi on July 1st. The procedure followed in taking evidence was first to call for written answers and then to examine witnesses *viva voce*. 459 such written answers were received in the course of their sittings, and 366 witnesses were examined orally. The oral examination was held in camera in order to encourage witnesses to speak out their candid opinions without let or hindrance. The tour programme included the whole of British India, but in the end Sindh, Ajmer-Merwara, and Central India were omitted. The work of the Committee had to be finished before the 15th August as settled at Lucknow as the A. I. C. C. was to have met on this date. But by a circular issued by the Working Committee of the Congress this date was postponed and the A. I. C. C. meeting was timed to be held in November. Thus four months were given to the Committee and their report was issued on the 30th October. In the interim, all Congress work remained suspended and gradually

the whole Congress organisation in the Provinces, Districts, and Taluks simply crumbled away. The main recommendations of the Committee were summarised by themselves as follows :

### 1. Civil Disobedience :—

(a) The country is not prepared at present to embark upon general Mass Civil Disobedience but in view of the fact that a situation may arise in any part of the country demanding an immediate resort to Mass Civil Disobedience of a limited character e. g., the breaking of a particular law or the non-payment of a particular tax for which the people are ready, we recommend that Provincial Committees be authorised to sanction such limited Mass Civil Disobedience on their own responsibility if the conditions laid down by the All India Congress Committee in that behalf are fulfilled.

(b) We recommend the restoration of the resolution No. 2 passed by the All India Congress Committee at Delhi on the 4th—5th November which gives Provincial Committees all the powers necessary to determine upon a resort to Civil Disobedience of any kind whatever, by cancelling Resolution I. cl. 1. passed on the 24th—25th February to the extent it conflicts with that resolution ; provided that general Mass Civil Disobedience is not permissible.

(Unanimous)

### 2. Entry into Legislative Council :—

(A) The Congress and the Khilafat at their Gaya Session should declare that in view of the fact that the working of the Legislative Councils during their first terms has, besides proving a great obstacle to the redress of the Khilafat and Punjab wrongs and the speedy attainment of Swarajya, caused great misery and hardship to the people, it is desirable that the following steps should be taken in strict accordance with the principles of non-violent non-co-operation to avoid the recurrence of the evil :—

1. Non-co-operators should contest the election on the issue of the redress of the Punjab and Khilafat wrongs and immediate Swarajya, and make every endeavour to be returned in a majority.

2. If the non-co-operators are returned in a majority large enough to prevent a quorum, they should after taking their seats leave the Council Chamber in a body and take no part in the proceedings for the rest of the term. They should attend the Council occasionally only for the purpose of preventing vacancies.

3. If non-co-operators are returned in a majority which is not large enough to prevent a quorum, they should oppose every measure of the Government including the budget and only move resolutions for the redress of the aforesaid wrongs and the immediate attainment of Swarajya.

4. If the non-co-operators are returned in a minority they should act as pointed out in No. 2, and thus materially reduce the strength of the Council.

As the new Councils will not assemble till January, 1924, we further propose that the Congress Session of 1923 be held during the first instead of the last week of December and the matter be again brought up for the issue of a final mandate by the Congress in view of the election.

Recommended by

Hakim Ajmal Khan,  
Pandit Motilal Nehru,  
Sjt. V. J. Patel.

(B) There should be no change of the Congress programme in respect of the boycott of Councils.

By Dr. M. A. Ansari,  
Syt. C. Rajagopalachari.  
Syt. S. Kasturiranga Iyengar.

### 3. Local Bodies.

We recommend that in order to clear the position it should be declared that it is desirable for Non-co-operators to seek election to Municipalities and District or Local Boards with a view to facilitate the working of the constructive programme, but that no hard and fast rules be at present laid down to regulate or restrict the activities of Non-co-operating members beyond advising them to act in harmony with local or provincial Congress organisations. (Unanimous)

### 4. Boycott of Government educational Institutions.

We recommend a strict adherence to the Bardoli resolution in regard to these by suspending for the present active propaganda calling upon boys to come out of schools and colleges. As required by that resolution reliance should be placed upon the superiority of National schools for drawing scholars from Government Institutions and not upon picketting or other aggressive propaganda. (Unanimous)

### 5. Boycott of Law Courts by Litigants and Lawyers.

Effort should be concentrated on the establishment of panchayats and cultivation of a strong public opinion in their favour. We further recommend that all existing disqualifications imposed on practising lawyers should be removed. (Unanimous)

### 6. Organisation of Labour.

Resolution No. 8. passed by the Nagpur Congress should be carried out without further delay. (Unanimous)

### 7. Right Of Private Defence.

(A) We recommend that individuals should be given full freedom to exercise the right within the limits defined by law except when carrying on Congress work or on occasions directly arising therefrom subject always to the condition that it is not likely to lead to a general outburst of violence.

Using force in private defence in gross cases, such as insults to religion, outrages on modesty of women or indecent assaults on boys and men is not prohibited under any circumstances. (All members except Syt. V. J. Patel.)

(B) Full freedom to exercise the right within the limits defined by law should be reserved to non-co-operators subject only to the condition that it is not likely to lead to a general outburst of violence, and to no further conditions. (Syt. V. J. Patel.)

### 8. Boycott of British Goods.

(A) We accept the principle and recommend that the whole question be referred to a Committee of experts for a full report to be submitted before the next Congress meets. (All members except Syt. C. Rajagopalachari.)

(B) There is no objection to the collection and examination of facts by experts, but the acceptance of the principles by the All-India Congress Committee would mislead the nation and injure the movement.

(Syt. C. Rajagopalachari.)

The full report of the Committee has been given in a previous issue of this REGISTER (1923 Vol. I). It was presented to the President of the Congress, Mr. C. R. Das, on October 30th and its publication was the signal of an acute press controversy. The most important feature of the report was the question of Council-entry which was prominently brought to the fore, and from this day virtually there arose a definite and determined split in the Congress Camp over this significant aspect of non-co-operation. In one sense it served to rouse Congressmen from the deep lethargy into which they had fallen but only to show activity in internecine warfare. This was clearly apparent even so early as in the proceedings of the All-India Congress Committee which immediately after met to discuss the report.

### The Calcutta A. I. C. C.

On November 20th the All-India Congress Committee met at Calcutta with Mr. C. R. Das as the president. Of 350 members, about 200 were present. Mr. C. R. Das in opening the meeting said that on account of difference of opinion on certain questions, all of them were in an agitated mood. He hoped that they would conduct the present deliberations in a manner befitting the worthy institution to which they belonged, expressing their views without heat. Each one was entitled to express his or her views on important questions at issue. They ought to remember that, whatever difference of opinion there might be on vital questions, there were no differences of opinion among those who followed the Congress flag. They were out to-day for the attainment of Swaraj and they stood for the amplification of the method of non-violent Non-co-operation. There might be difference of opinion as to whether a particular measure came or did not come within that definition. He asked them to keep in mind that they were as unanimous as members of any particular institution could be.

Pandit Motilal Nehru then moved the first resolution :—

"This Committee accepts the report of the Civil Disobedience Enquiry Committee on the question of Civil Disobedience and resolves—

(A) that the country is not prepared at present to embark upon a general mass Civil Disobedience, but in view of the fact that a situation may arise in any part of the country demanding immediate resort to mass Civil Disobedience of a limited character e. g., breaking of a particular law or non-payment of a particular tax for which people are ready, this Committee authorises Provincial Committees to sanction such limited mass civil disobedience on their own responsibility, if the condition laid down for mass civil disobedience by this Committee in its resolution No. 2, 4th November 1921, are fulfilled.

(B) That the resolution No. 2 passed by this Committee at Delhi on the 4th November which gives Provincial Committees all powers necessary to determine upon resort to civil disobedience of any kind whatever be restored and Resolution 1, clause 1, passed on the 21st February, to the extent that it



conflicts with that resolution, be cancelled, provided that general mass civil disobedience is not permissible."

The following is the text of the Resolution of 4th November referred to above :—

"The All-India Congress Committee authorises every Province, on its own responsibility, to undertake Civil disobedience including non-payment of taxes, in the manner that may be considered the most suitable by the respective Provincial Congress Committees subject to the following conditions :—

"(1) 'In the individual Civil Disobedience, the individual must know hand-spinning and must have completely fulfilled that part of the programme which is applicable to him or her, e. g., he or she must have entirely discarded the use of foreign cloths and adopted only hand-spun hand-woven garments, must be a believer in Hindu-Muslim unity and indeed unity among all the communities professing different religions in India as an article of faith, must believe in non-violence as absolutely essential for the redress of the Khilafat and the Punjab wrongs and the attainment of Swaraj, and if a Hindu, must by his personal conduct show that he regards untouchability as a blot upon nationalism ;

"(2) In the event of mass Civil Disobedience a district or Tahsil should be treated as a unit, and therein a vast majority of the population must have adopted full Swadeshi and must be clothed out of cloth hand-spun and hand-woven in that district or Tahsil, and must believe in and practice all the other items of Non-Co-operation,

"Provided that no civil resister should expect to be supported out of public funds, and members of the families of civil resisters undergoing sentence will be expected to support themselves by carding, hand-spinning and hand-weaving or any other means ;

"Provided further that upon application by any Provincial Congress Committee, it is open to the Working Committee to relax the conditions of Civil Disobedience, if it is satisfied that any condition should be waived."

In moving the resolution, Pt. Motilal said that it was based on the unanimous report of the Civil Disobedience Committee resting on the overwhelming evidence recorded in every part of the country. Witnesses from various parts had said that they were not ready for mass civil disobedience but they were ready for individual civil disobedience on a very large scale. It was however stated that in certain provinces a "non-payment" campaign could be launched at once against chaukidari and similar taxes. It would not be right and proper to take away from Provincial Committees the right to declare such civil disobedience as was permitted by the Delhi resolution.

Several amendments were proposed most of which related to the removal of the condition laid down for launching civil disobedience. After the discussion of five amendments moved by Moulvi Majid Baksh, Jagatguru Sankaracharya, Mr. Surya Kumar Shome, Mr. Hara dayal Nag and Dr. Mitter had been over, they were put to vote and were lost by overwhelming majority. The original resolution was put to vote and carried by an overwhelming majority.

#### Council Entry

Next day Pt. Motilal Nehru moved the resolution regarding Council-entry as follows :—

Whereas the working of the Legislative Councils during their first term has besides proving a serious impediment to the redress of the Khilafat and Punjab wrongs and speedy attainment of Swaraj, caused great misery and hardship to the people, and whereas it is desirable that steps should be taken in strict accordance with the principles of non-violent Non-co-operation to avoid recurrence of the evil, it is resolved, with reference to the report of the Civil Disobedience Enquiry committee, that this Committee should recommend to the Indian National Congress that Non-co-operators should contest the elections on the issue of redress of Punjab and Khilafat wrongs and immediate attainment of Swaraj and make endeavour to be returned in a majority.

It is further recommended that in view of the new Councils assembling early in January 1924 the Congress session of 1923 be held during the first instead of last week of December and the matter be again brought up for such final mandate by the Congress as it may, under the circumstances, deem fit to issue.

Pundit Motilal Nehru said that he was not oblivious of the fact that ever since the Calcutta Congress which decided on the boycott of Councils he had impressed upon his countrymen the necessity of avoiding Councils like poison but he had not resiled from that position. All that he asked the Committee was to pass a resolution so as to adopt more effective methods in carrying out their object. The attitude of those who favoured entry to the Councils was that Councils should certainly be boycotted. They maintained that that object could not be achieved merely by asking voters to refrain from voting or candidates from standing. Experience had shown that that was not enough. The Councils had been filled and the effect had been that Non-co-operators had boycotted not Councils but themselves. Non-co-operators had won a moral victory, but he considered it valueless, even if repeatedly won, unless it had an effect on the Councils. He would not indulge in speculation as to what might happen if Non-co-operators stood for election, because he wanted the Committee to judge the question not on expectations but on its merits. The object of boycotting the Councils was rejection of reforms and, so long as the Councils functioned, there was no meaning in boycott. They were making laws which Non-co-operators had to obey so long as they did not declare Civil Disobedience. Those who had been elected had not seen fit to resign when they realised that they did not represent the majority of their constituents. The Councils had been going in full swing and the mischief they had done was known to all. Accordingly he asked the Committee to issue a mandate to see that such candidates who are so fond of taking seats in Councils were kept out and the only way to do that was to defeat them at the elections.

Mr. Sherwani seconded the resolution. It was opposed by Mr. Naraindas of Mathura who said he regarded the presumption that Non-co-operators would be returned in a majority as pure guess work. The resolution was also opposed by Mr. C. S. Ranga Iyer, Jagatguru Sankaracharya, Mr. Dip Narain Singh, Mr. Hardayal Nag and a few others.

Mr. Stokes moved an amendment for the deletion of the preamble of the resolution on the ground that it made highly controversial assumptions which were not essential to the gist of the resolution. Mr. Stokes added that he had feared that he would be unable to vote for the resolution, but his fears had proved groundless. The resolution was so constructed that those whose views with regard to contesting elections differed widely might all support it. Nobody knew what the situation would be a year hence, and by framing the resolution in its present form the Committee was leaving the Congress free to act as the situation might then demand.

Dr. Ansari opposed the motion. He considered that the question divided itself into two parts, that of principle and that of practice. With regard to the former, he pointed out that the rules prescribed that both voter and candidate should go through certain legal formalities and in that way they would be forced to co-operate. Referring to the practical difficulties in the way of Non-co-operators seeking election, Dr. Ansari said they could not afford to spend the same amount of money to secure election as others, especially as Non-co-operators would find a dead set made against them by the combined forces of the Government as its supporters. There was also a great difficulty presented by the oath of allegiance. Although the Jamait-ul-Ulema had by a majority declared in favour of contesting elections, a feeling of disgust and weariness would manifest itself among the people if the Non-co-operators asked for their votes without entering Councils, and it would be impossible to repeat the process over and over again. Dr. Ansari thought that in view of the constitution of the Councils Non-co-operators would not be able to secure elections in sufficient strength to carry on useful obstruction, and contended that for Non-co-operators to seek election to municipalities and local boards was not on all fours with their seeking election to Councils, as boycott of Councils was an important and independent item in the national programme and Councils possessed far greater importance than other bodies.

Discussion was continued on the next day, Nov. 23rd, when Mr. Tayahji opposed the resolution considering it unconvincing. He pointed out that even if the committee passed it, they would have to wait a year before they knew on what mandate they were to act and to pass it would mean mere waste of time and energy. He advised Non-co-operators to carry on the present work for another year. Leaders and would-be leaders might have lost faith in the present programme, but that was not the case with those who worked among the masses.

Mr. N. C. Kelkar referring to the charge that they had been called rebels said that Maharashtra had never accepted

Non-co-operation as a spiritual programme but only as a political programme and, if Non-co-operation was not to be political, they would not want it. He maintained that to enter the Councils was not inconsistent with either the constructive programme or civil disobedience. The speaker was definitely in favour of contesting elections, but he would abide by the mandate of the Congress. Mr. Abhyankar of Maharashtra also supported the resolution and said that its opponents were confusing their means with their objects. He stood for Swaraj and wished to attain it by whatever means he could, whether by co-operation or non-co-operation. Non-co-operation from within Councils was the only possible policy for them in their present situation. Councils were like poison, but poison had its uses and the time would come when they would be able to kill that poison with poison.

Mr. J. M. Sen Gupta who spoke in favour of the resolution complained at the outset that its supporters had been hit below the belt. It had been said that those who drafted it had been guilty of diplomatic honesty. If that signified anything it signified insincerity and he repudiated that charge and regarded the statement that the resolution said something different from what was intended as unworthy of consideration. The speaker then proceeded to deal with the objections which had been raised. He thought there was no difficulty about asking the electorate to vote for the Non-co-operators if the latter explained that they would follow the mandate of the Congress and see that the people were not oppressed. He considered that there was reasonable expectation that the Non-Co-operators would obtain a majority. In dealing with the argument that there should be no talk of changing the programme so long as Mr. Gandhi and others were in jail, Mr. Sen Gupta reminded the opponents of the resolution that Mr. Gandhi had told them not to consider persons inside the jail when taking action on behalf of those outside, and Mr. Gandhi would be the first to blame them if they did so. It had been said that standing for Councils was co-operation, but what they had to look for was the intention behind it. The Congress had given permission for written statements to be filed in Civil and Criminal cases.

Maulana Syed Sulaiman Nadwi supporting the resolution said that from the point of view of religion, entering the Councils was not co-operation. From a political point of view they had to consider what work lay before the Non-co-operators in future. Those who opposed entering Councils agreed that the country was not prepared for Civil Disobedience and he asked them what programme they intended to place before the country. Mere opposition to one programme without suggesting an alternative was not giving a lead to the country.

Mrs. Sarojini Naidu strongly opposed the resolution. She would like to see political life interwoven with spirituality as warp with woof. They were inseparable and that was the real ideal of the movement for India. Mrs. Naidu also spoke against the proposal from a practical point of view, pointing out that it contained no programme. She added that she was prepared to be in an invincible minority that made history rather than in a disintegrated majority not sure of their own intellectual or moral convictions.

The debate was continued on the 24th when Mr. M. R. Jayakar supported the first part of the motion and Mr. Stokes' amendment to drop the preamble, because the statements made therein were not strictly accurate and constituted an unnecessary condemnation of a few honest patriots who were then in the Councils. After giving the genesis of the Non-co-operation movement, he said that though great awakening had been the result of the movement, it could not be said with truth that any conspicuous success had been achieved by the movement either in bending the Government to the popular will or in infusing into the ideals or methods of the bureaucracy that fear of popular opinion or that regard for popular interests and well-being which they had expected to rouse. They had not been able to paralyse the Government. Some of them thought that the movement had not achieved any success and so there was a growing desire on the part of a considerable section of Congressmen to readjust the programme so as to bring it into greater conformity with the actual needs of the movement. The present resolution was one attempt at such readjustment to carry on their struggle with the bureaucracy into a department which they had neglected so far and which in consequence had been rendered too weak and impotent to reflect the popular will, and which had been exploited by the far-sighted bureaucracy for their own ends. This had to be stopped and election to Councils must be restored once more to its normal working in order that the true voice of the people might find expression through that medium. Personally he held the view that it would be wrong to go into Councils with the sole and avowed object of causing obstruction, though he agreed that that weapon should exist in their armoury and should be used as occasion might require. He held this view partly for the reason that when their true representatives were there working in a spirit of grim determination to assert their demands and when Government realised that they were backed by a large majority, the bureaucracy might not be disinclined to adjust their differences without their being driven to use the weapon of deadlock. No Government could go on long with the use of the veto or powers of certification. Government would have to yield ultimately to the will of the people's representatives.

Pandit Malaviya suggested a slight alteration in the form of the resolution, the effect of which was that the Congress, to be held in the first instead of the last week of December 1923, should lay down the policy to be pursued by the Congressmen elected as members of legislatures. Mrs. Sarojini Naidu, however, proposed that in view of differences of opinion the meeting should adjourn to allow the leaders to confer and arrive at unanimous decision. The proposal was accepted and when the Committee reassembled the following resolution was adopted :—

“Resolved that further consideration of the question whether Congressmen should contest next Council elections be adjourned and the same be taken up at the Gaya Congress.”

The All-India Congress Committee meeting went on for six days continuously, discussion on Council entry occupying as many as forty hours. Nearly 25 members spoke. Proceedings were so conducted that there was one speaker on either side alternately. Almost all the leading members took part in the discussion. There was no shutting out of any speaker and every one of those that addressed the assembly was given a good hearing. No time limit was imposed, and when after a two days' discussion a member attempted to suggest a closure, the meeting was not in a mood to listen to him even.

Five distinct groups rallied in support of the main proposal. The first represented by Pt. Motilal himself was for entering the Councils, with a large majority for total obstruction and wrecking the Councils. The second school was represented by the President, Mr. C. R. Das, whose programme was to enter the Councils with a majority and move at the first for the grant of the foundation of a Swaraj constitution and if that was granted to co-operate and build on that foundation; but if it was not conceded to follow a programme of total obstruction with a view to wreck the Councils. The third school was led by Mr. Kelkar who, though holding on to responsive co-operation, would for the present enter the Councils on whatever mandate the Congress would ultimately give. The fourth school—Mr. Stokes, Mr. Aney, Mr. Jayakar and Pandit Madan Mohan Malaviya—stood for entry into Councils not for wrecking but for making use of them on nationalist lines, obstructing where desirable and co-operating where beneficial. The fifth school was that of standing for elections with a view to refuse to take the oath.

The resolutions that were on the agenda were drafted by the Working Committee which met specially for this purpose. On the question of Council entry, the Working Committee were equally divided, seven against seven; and the Chairman gave the casting vote simply to enable the Committee to place a positive resolution before Congress Committee. The resolution on Council-entry was not the full

and complete recommendation of the Civil Disobedience Committee but one cut short in order that it might be elastic. At an early stage of the Working Committee meeting, Dr. Ansari mooted a proposal which gradually gained strength that the resolution on the Council-entry should not be moved at the All-India Congress Committee, but it should be kept over for a special session of the Congress to be held in March 1923, in time for the election campaign if decided upon; and that in the meantime there should be no discussions or propaganda in the matter of the Council-entry and all should co-operate to work the constructive programme. This effort at compromise failed because those who were against the Council-entry were not prepared to agree to the withdrawal of their position in March next. It failed also because it was thought that the very idea of the Special Congress for settling the question of Council-entry would itself occupy the public mind and distract it. Further, Mr. Kelkar and others of his opinion were not inclined to accept this proposal without an undertaking from the other party to withdraw their position in March next.

#### Other resolutions

Before the proceedings came to a close a resolution was passed congratulating the Turks on their recent victory (see *post*) and expressing the opinion that there could not be peace and contentment in India unless the demands of the Angora Govt. in regard to the restitution of Turks to their homelands in Asia and Europe were satisfied and Jazirat-ul-arab was free from all non-moslem control. Other resolutions dealing with the boycott of British goods, Government Educational Institutions and Law Courts and Organisation of labour were postponed until the Gaya Congress in X'mas week 1922.

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### THE KHILAFAT CIVIL DISOBEDIENCE

The Report of the Khilafat Civil Disobedience Enquiry Committee was issued on November 10th 1922, under the signatures of Maulana Abdul Majid, Moulvi Abdul Qadir, Messrs. Tasaduq Ahmad Khan, Sherwani, Muazzam Ali, Nawab Ismail Khan and Mr. Zahoor Ahmad. The Committee recorded the evidence of 211 witnesses during its tour of 40 days. The report was a document of 67 pages in Urdu. Unlike the Congress report, all the signatories were unanimous in their recommendations of total boycott of Councils, Schools

and British goods. As regards entry into the Councils only Mr. Zahoor Ahmed recorded a note of dissent favouring such entry. The main recommendations of the Committee were as follows:—

They were convinced that picketting of foreign cloth and liquor-shops should be resorted to at once. The Committee upheld the boycott of Courts, but placed the following recommendations:—(a) In such criminal cases as are connected with politics and present day movement when launched by the Government with a view to crush the movement and persecute national workers, it was necessary that acting upon the principle of boycott of Courts, no one should be allowed to participate or enter into defence. (b) While adhering to the principle of the boycott of Courts regarding defence of cases, the institution and defence of those civil and revenue suits, which could not be compromised inspite of all efforts to settle them through panchayats or private mediation and which are liable to inflict great pecuniary losses, should not be regarded as odious and censured. The report further recommended: (a) organisation of national service to facilitate lawyers to give up their legal practice, (b) consolidation of the panchayats and framing uniform rules for their guidance by a committee of Ulemas to induce people to abide by the decisions of the panchayats, (c) the continuance of the boycott of schools, but effort should be made to organise new and improve the old national schools. As regards civil disobedience the Committee said that it was necessary to make clear that no Mussalman was bound to obey any law which was either opposed to or clashed with the commandments of God or the precepts of the Holy Prophet. But considering all circumstances it would be premature to resort to mass civil disobedience. Individual civil disobedience was, however, permissible. The Committee further recommended foreign propaganda: (1) to promote and strengthen friendship with Islamic countries by means of papers, pamphlets and deputations to Islamic countries, and (2) conduct propaganda by means of papers and pamphlets in Europe and America and, on special occasions, when absolutely necessary, to send deputations.

The report of the Committee was considered at a meeting of the Central Khilafat Committee held along with the A. I. C. C. and it accepted the recommendation with regard to the continuance of the boycott of Government educational institutions, but the recommendation regarding the boycott of Legislative Councils was referred to the forthcoming All-India Khilafat Conference at Gaya. The Central Committee resolved also that it was incumbent upon Mussalmans to take keen interest in the activities of the Congress and requested that the Congress Committees in which Muslim representation was inadequate should pay special



attention to the removal of the deficiency. It was also resolved that in future the fund of the Committee should be named the 'Khilafat and Angora Fund' and that 60 per cent should go to Angora and 40 per cent to Khilafat. The remaining resolutions of the Enquiry Committee were referred to the Working Committee for presentation to the Central Committee at Gaya. The Working Committee also adopted the recommendations of the Khilafat Enquiry Committee regarding picketting, boycott of courts and British goods, national service, non-violence, and civil disobedience.

This decision of the Khilafatists was due no doubt to the unbending attitude of the Moslem divines who constituted the Jamiat-ul-Ulema which had, since the issue of the famous *Fatwa* of 1921, been exerting great influence in Moslem polity. An extraordinary meeting of the Working Committee of the Jamiat-ul-Ulema was held in Delhi in November 12th which discussed the question of Council-entry and passed the following resolution :—

The Working Committee of the Jamiat-ul-Ulema declares that it is incumbent upon Mussalmans to act according to the instructions embodied in the published *Fatwa* of the Jamiat even now, and circumstances demand that every form of co-operation, entry into councils, education in Government schools and pleading in courts should be withdrawn from Government, and Mussalmans should under no circumstances take the oath of allegiance or come to any terms with Government. Keeping in fact the above rules, other forms of wrecking the councils, such as contesting for a seat and then, without taking oath of allegiance, vacating it are permissible.

Moslem feeling at this period was, however, more concerned with happenings in Angora and Turkey than at home, and the success of Angora over the Greeks had already diverted the Moslem mind from the question of civil disobedience or Council-entry. This subject is dealt with in the following section.

#### The Gaya Congress & Moslems.

After the Calcutta A. I. C. C. meeting the protagonists of Council-entry and Council-boycott engaged themselves in gathering their forces for the final contest at Gaya. An acute press and platform controversy went on, and the country was treated to an exhibition of the same brand of non-violence which had characterised the Congress movement in the previous two years. Hatred became rampant, and indecent squabble the order of the day. While professing love the lovers poured forth their venom against one another with more bitterness than they had treated the 'Satanic' Government in the year before. The anti-councillors represented their opponents as saying: "There is to be no civil disobedience, so let us go to the Councils; we can't close toddy shops, so let us go and drink." The pro-councillors taunted in reply: "There is no work going, so let us increase our soul-force by spinning or dozing; there is so much

constructive work to be done, so let us be planning and talking". In such an atmosphere was held the various general election of delegates to the Congress and considerable excitement prevailed which by no stress of imagination could be called non-violent. In some places, notably in Maharashtra, actual disturbances broke out and heads were broken in the course of the elections to the non-violent Congress. Messrs Das and Nehru and other leaders of the Council-entry faction had to resign their seats in the Provincial Congress Committees in disgust and were subjected to a broadside of ridicule such as Congressmen used to hurl at the Moderates a year before. The newly formed All-India Congress Committee had a majority of 'No-changers' returned to it, and the 'Pro-changers' favouring Council-entry though led by Mr. Das, the President of the Congress, and including some of the foremost leaders of the Congress movement, were in a minority. At last the Congress met at Gaya on December 26th 1922. In his presidential address Mr. Das threw himself entirely in favour of Council-entry, but Pt. Motilal Nehru's resolution that "it is resolved, with reference to the report of the Civil Disobedience Enquiry Committee, that non-co-operators should contest the elections on the issue of the redress of the Punjab and Khilafat wrongs and immediate Swaraj, in accordance with the principle of non-violent non-co-operation, and make every endeavour to be returned in a majority" was rejected by a large majority. The 'No-changers,' under the leadership of Mr. Rajagopalachariar who had stepped into the editorship of M. Gandhi's "*Young India*" after the latter's imprisonment, invoked the name of the Mahatma and his utterances, and this carried the day. The full proceedings of the Congress and other National Assemblies at Gaya are given elsewhere in this *Register*. Suffice it to say here that the decisions of the Congress were influenced by the attitude of the Moslem Nationals in the Khilafat Conference and the Jamiat-ul-Ulema. The latter body vetoed its resolution of the 12th November allowing the contesting of seats only but not taking the oath of allegiance by a new resolution which declared that it was against the Shariat to stand for elections or to make efforts in that behalf even. This attitude of the Moslem divines was due to the fact that the Turkish Peace Conference at Lausanne had suddenly broken down owing to the aggressive demands of the British. The Khilafat Conference too set aside the issue of Council-entry and had their attention fastened on Turkish problems. The sum total of the fiery proceedings at Gaya amounted to this that Council-entry was tabooed, and the old Non-co-operation programme of triple boycott was confirmed; and in this decision the state of affairs in far off Turkey had not played an insignificant part.

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## Moslem Activities 1922-23

A great set-back to the National movement in India in 1922 was given by the sudden change of affairs in the Near East which served to divert the Moslem mind from the old channel. It should be remembered that that movement owed its origin to the fusion of Hindu-Moslem feelings on common grounds of adversity. Even so late as March 1922 the resignation of Mr. Montagu from Mr. Lloyd George's Cabinet was due to his championing the Moslem cause in the matter of the Khilafat. The Treaty of Serves, the mischievous imposition of the British Cabinet on the Turkish Sultan, had been a great thorn which kept the Moslem world in ceaseless unrest. Britain's instigation had at this period emboldened the Greeks to lead an armed campaign in Asia Minor and the challenge was met by the Young Turks of Angora who had 'rebelled' against the Treaty of Serves. But in August 1922 the Greeks suffered a terrible defeat and the Angora Nationals under their General Mustapha Kamal Pasha amazed the world by almost destroying the whole Greek advance. The news was received in India with great jubilation. But this was quickly followed by a deep resentment against the British Premier when it came to be known that Mr. Lloyd George had taken up the Greek cause and had on their behalf ordered a mobilisation of the fleet in Turkish waters and had appealed to the Dominions for help against Turkey. Mr. Lloyd George's Government had time after time broken faith with India and the Moslem world. The grand bluffer that he was, he forgot his own solemn war-pledges which he had given in the name of England that 'Asia Minor and Thrace with Constantinople as the capital should be left to Turkish Sovereignty after the war' and on this promise he had secured the unstinted co-operation of the Indian Moslems in the late war with Turkey. He was about to plunge the world into another war, calling the Dominions to his aid and backing the Greeks with money and munitions, when international relations and the Labour distemper in England became acute and providentially interfered with Mr. George's designs. France and Italy were favourably disposed towards Angora and but for the British would have liked to revise the Treaty of Sevres and make the terms more equitable. In England the great bulk of the people was weary of the talk of another war and Mr. Lloyd George's coalition Government suddenly collapsed on this issue on October 18th. In September Indian Muslim opinion was

cabled to the British Cabinet by the Central Khilafat Committee in the following terms:—

"It is greatly to be desired that the restoration of Constantinople and Thrace to Turkish rule should be accomplished immediately. Indians believe that the British Government still intends to break its pledged word to India and defraud Turks. Religious movement for emigration has begun already. If Constantinople, Thrace and the so-called Neutral Zone are at once restored to Turkey and British troops withdrawn immediately Indians will be reassured. If restoration is delayed, Hijrat will begin. At least one million Indian Muslims are preparing now to emigrate to help their Turkish brethren. Special meeting Central Khilafat Committee October 17th dealing with the organisation of exodus."

This threat of Hijrat was no doubt a mere bluff, for the majority of the fire-brands amongst the Muslims were during this period in jail. But the meeting of the Central Khilafat Committee in Delhi for several days from October 17th was held in great fervour. The proceedings were held *in camera* and what transpired in the meeting, how the question of Hijrat came to be dealt with, was not made public except the following resolutions:—

(1) This meeting of the Central Khilafat Committee congratulates Ghazi Mustapha Kemal Pasha and Nationalist Turks on their unparalleled victories and is convinced that those victories are promises of a brilliant future for Islam and useful to the future of Asia. This meeting further assures Gazi Mustapha Kemal Pasha that the hearty and practical sympathies of Indian Mussalmans will always be with him.

(2) This meeting of the Central Khilafat Committee resolves that, in commemoration of Turkish victories, Ghazi Mustapha Kemal Pasha be presented with a special sword and the Nationalist Turks with two aeroplanes on behalf of United India, and further decides that these presents be offered by an All-India deputation which should proceed to Angora for this purpose. [Before passing this resolution, the Secretary in reply to certain information asked by the members announced that the cost of these aeroplanes would be sixteen thousand pounds each. The Secretary of the Agra Provincial Committee also announced that on behalf of his Province his Committee would present a third aeroplane costing approximately Rs. 3 lakhs.]

(3) In view of the present Turkish situation, this meeting of the Central Khilafat Committee resolves that an Angora Legion composed of lovers of Khilafat be organised and further appeals to the country in general and Mussalmans in particular to join this important movement as a sacred national and religious duty.

(4) Whereas it is essential, on the basis of Islamic injunctions and traditions, that the Uajirat-ul-Arab should be entirely free from non-Muslim control, direct or indirect, and whereas therefore the united struggle of Mussalmans of the world is to continue until Mesopotamia, Palestine, Hedjaz, Yaman and Syria are completely made free, and whereas the treaty concluded by Britain with the so-called Government of Iraq is absolutely unacceptable to Mussalmans, in as much as Indian Muslims believe that notwithstanding the verbal removal of mandate, Mesopotamia will not be free from British interference, this meeting of the Central Khilafat Committee of India hereby desires to declare that the present unrest among the Mussalmans of the world and their effort to remove this non-Muslim influence shall continue until the aforesaid object is satisfactorily achieved.

(5) This meeting of the Central Khilafat Committee accepts the challenge thrown by Mr. Lloyd George, the British Premier, in his speech at Manchester to Asia on the one hand and to Islam on the other, and assures him and other persons of his way of thinking that so far as Islam is concerned, this challenge the Muslims of the world alive to their responsibility are ever ready to meet in every possible manner.

(6) This meeting of the Central Khilafat Committee considers British activities in their attempts to internationalise Turkish Straits (meaning Dardanelles) as unjust and coercive and in the opinion of this committee such inter-nationalisation could only be justifiable in case other powers, especially the British, inter-nationalise seas under their respective influences, and further in the opinion of this meeting such attempts are detrimental to the freedom of Khilafat, of Islam and seat of Khilafat.

(7) This meeting of the Central Khilafat Committee resolves that an influential deputation should be sent to Hedjaz for the purpose of studying the present situation in Jazirat-ul-Arab and to advise the people thereof, and the Working Committee should be empowered to decide, about the time of its starting, its expenditure, its personnel and other essentials connected therewith.

(8) This meeting of the Central Khilafat Committee sincerely thanks the French Government and French nation for their policy and valuable aid rendered by them to Turkey at this critical hour, and assures France that Indian Mussalmans look upon her present attitude with satisfaction. This meeting further strongly hopes that France will maintain her present policy towards Turkey and hopes that she would set a supreme example to other European nations and give further cause for the gratitude of Mussalmans by helping the attainment of the freedom of Syria.

(9) An almost similar resolution in favour of Italy was also discussed and passed by the Committee.

(10) Another resolution appointed a small deputation of Indian Muslims to the Peace Conference to advise and place India's demands regarding the Khilafat question.

### Moderate Moslems on Angora

The moderate Moslems too could not but feel stirred by the news of the threatened British operations against Angora. In the Central Legislature M. Abul Kassim sent notice of a motion of adjournment of the Assembly on 20th September which was however withdrawn, and instead a deputation waited upon the Viceroy to make representation on the situation. The Viceroy gave a sympathetic hearing and promised to lay their views before His Majesty's Government in England. The spokesmen were Syed Raza Ali, Mr. Abul Kassim and Sir Zulfikar Ali Khan. The deputation included Sir Zulfikar Ali Khan, Col. Sir Umar Hyat Khan, Nawab Sir Bahadur Khan, Sir Ahmed Thambi Maricar, Major Mahomed Akbar Khan, Prince Akram Hussain, Mr. Abul Kassim, Mr. Mahomed Hajeebhoy, Nawab Ibrahim Ali Raja Karamullah, Khan Bahadur Abdul Rahim, Khan Bahadur Zaberuddin Ahmed, Khan Bahadur Ismail, Mr. Barodawalla, Mr. K. Ahmed, Mr. Hussainally, Chaudhuri Sahabuddin, Khan Sahib Abdul Qudirmain Asfedullah, Mr. Mahomed Yasin Khan Bahadur, Mir Sadat Ali, T.S. Mahomed Hussan Sahib Bahadur, Khan Bahadur Surfraz Hussain Khan and Shaik Abdul Majid.

The Memo. submitted by them said *inter alia*.—

'Whatever may be the differences among Indian Mussalmans as to the methods they should adopt to help the Turks, there is no difference of opinion amongst them on the issue itself. The way in which they would like a treaty of peace to be concluded with Turkey has already been fully and authoritatively stated more than once on their behalf. It is not desirable perhaps to cloud the issue that has directly arisen out of the Turkish operations in Asia Minor by calling attention to other matters however important. But at the same time, we would be altogether failing in discharging our duty as staunch supporters of the British connection if we omitted to mention that Indian Moslem opinion can never reconcile itself to the parcelling out of the Jajirut-ul-Arab among the Powers and the removal of the Holy Places from the control of the Turkish Sultan, the Khalifa of the Moslem world.

Three important points arise out of the present situation. They are: (A) The Turkish occupation of Thrace, (B) the future of the neutral zone, and (C) the safety of Constantinople with regard to the inter-nationalization of the Straits and the Sea of Marmora.

'It is the conviction of the Indian Mussalmans that the only thing that stands between the Kemalists forces and Thrace is the presence of the Allies. Thrace is the home-land of the Turks and it is therefore but just that Thrace, in the heart of which is situated the ancient town of Adrianople, should be restored to the Turks. The neutral zone must be a perennial source of trouble. To cut off Thrace and Constantinople from Asia Minor by creating a neutral zone is in our view a totally unjustifiable thing. It means the cutting of Turkey into two parts which would be inaccessible to each other. It would be a constant source of embarrassment to the Allies and of irritation to the Turks and is calculated to lead to highly undesirable results.

'The powers similarly situated can defend their capital in the case of an attack. We regretfully but strongly urge that the control of the Straits be restored to the Turks and sufficient guarantees be taken from them. We cannot conceive of Constantinople as the Capital of Turkey with control of the Straits and the Sea of Marmora in non-Turkish hands. We deem it our duty to state that Indian Moslem opinion, in fact Indian opinion, will unanimously support the Turks on this question. We are glad that an important section of the British public are inclined to the view which is in accord with our own feeling. The attitude of France, Italy and even Yugo-Slavia inspires hope, and we trust that if only England will not adopt an unfriendly attitude towards Turkey, a just peace in accordance with the wishes of Indian Moslems in the lines set forth above will soon be concluded.'

War with Turkey however did not come off as General Harrington, the British commander in the Turkish region was against such a policy. A temporary lull in the situation was brought by a conference between the Allied and Turkish Generals at Mudania to define the terms of a truce pending a Peace Conference which finally met at Lausanne. On October 11th the Mudania agreement was signed which provided for Greek evacuation of Thrace in 15 days and re-installation of a Turkish administration in 30 days, and the provisional creation of a neutral zone beyond which Angora was not to advance. The conclusion of this Conference was the signal for Mr. Lloyd George's fall. The Coalition fell on October 20th, and Mr. Baldwin at the head of a pure conservative party

came into office. Preparations were then hastened for the Turkish Peace Conference.

### Revolution in Angora

Meanwhile affairs were moving unexpectedly at Angora. Early in November the Angora National Assembly unanimously voted a law saying that since 15th March 1920 and for all time the Government of the Turkish Nation rested in the hands of their National Assembly and no other form of Government would be recognised. The people would recognise no personal authority like that of Constantinople. The Caliphate would remain with the House of Ottoman, but the Assembly would select a Prince whose character, attainments, and morals were worthy of the position. It added that the Turkish Government would be the chief bulwark of the Caliphate. The news of the adoption of the Law was greeted with a salute of hundred and one guns, also with celebrations in streets. The date of the passing of the Law (1st November) was kept as a National Holiday. As a result of this decree the Sultan of Turkey was deposed. The Angora Government made null and void all treaties and conventions concluded since 16th March 1920 by the Constantinople administration. This was made in reply to the allied move of issuing a separate invitation to Constantinople to be represented at the Lausanne Conference. It was no doubt to the interest of the European Powers that Turkey should be broken up by internal dissensions into two warring parties, one of the old subservient regime at Constantinople and the other of the Young Turks at Angora. Angora's firm stand and quick action however foiled this policy of *divide et impera*, but further attempt was made by Britain to show friendliness to the deposed Sultan and to create a feeling on his behalf amongst Indian Muslims. A press propaganda was started both in England and amongst the Anglo-Indian organs in India. The bait however did not catch and Indian Muslims refused to be caught in trap. On November 13th the Moslem divines of India met at Delhi and resolved that:—

The Jamait-ul-Ulema desires to declare their views in relation to the news received regarding the separation of spiritual and temporal powers of the Khalifa, that in the absence of authoritative news from reliable sources of the decision of the National Assembly, Angora, as well as the new legislation introduced in the Angora Assembly, the Jamait-ul-Ulema cannot for the time being express any views from the point of view of religion. The obvious object of the propaganda to alienate Muslim sympathies from Gazi Mustafa Kemal Pasha and the National Assembly of Angora is to give the enemies of Islam a chance to injure the Kemalist cause. The Jamait-ul-Ulema is confident that Indian Muslims could never be deluded by such news and their sympathies for Khilafat and Angora would remain unaffected. The Mussalmans owe a deep debt of gratitude to the Turks for their eminent services to the cause of Khilafat and Islam since centuries, and it is a duty in accordance with Islamic etiquette to whole-heartedly acknowledge their services and declare their confidence in the Kemalists.

A public manifesto throwing more light on the subject was also issued by the Jamiat in the following terms :—

For some days past Renter's Agency has been assiduously cabling profuse news about recent happenings in Angora and Constantinople, the sum total of which is that the Angora National Assembly have legislated that since 16th March 1920 and for all time to come, the sovereignty of the Turkish people shall vest in the Grand National Assembly and that the Sultan shall be a constitutional monarch; also that the Khilafat shall remain in the House of Ottoman but that the Khalif Sultan shall be elected from among the princes of the House eligible for the high office, not for seniority of age, but on account of character and attainments, thus doing away with the practice hitherto observed. The propaganda—for such is the volume of news recently cabled with reference to Kemalists' activities—has obviously a two-fold object in view. Firstly, to alienate Muslim sympathies from Kemalists by raising an alarm about the so-called Kemalists' affront to the sacred institution of the Khilafat and to the temporal status of the Sultan Khalifa, and secondly, to divert Muslim opinion from the anti-Muslim attitude of the British cabinet to anti-Kemalist agitation by showing that the authoritative demands of Indian Muslims in the matter are being brushed aside by the Kemalists contrary to all Islamic precedents.

We would warn the Mussalmans against giving credence to the highly coloured piece-meal news particularly meant to work up prejudice against the Turks. It is an open secret that the Treaty of Sevres was framed to deal a fatal blow to the temporal and spiritual powers of the Sultan Khalifa. This led Indian Muslims to formulate their demands, so frequently repeated, regarding the temporal powers of the Khalifa. Now, according to the newly cabled constitution, a good portion of the temporal powers of the Sultan Khalifa is placed in the hands of the National Assembly. The Assembly would thus form the chief immediate bulwark of the Khilafat and would strengthen, rather than weaken, the hands of the Khalifa. Muslims therefore cannot regard this transfer of power with any apprehension. Every Mussalman, knowing how Sultan Wahiuddin Khan had been used by the Allies to further their ends to the detriment of the Khilafat itself, would rejoice at the new arrangement which shall place the Khilafat on a securer foundation.

As regards the election of the Khalifa we maintain that he had always been elected and that the office was never hereditary. The method of election ever since the death of the Prophet has been that the nation immediately and directly responsible for the maintenance of the Khilafat and its dignity elected the Khalifa and the rest of the Muslim world confirmed the election. This is the only sound practical and reasonable basis of election owing to the simple fact that the nation from which the Khalifa was elected (in the present instance, the Ottoman people) was naturally better qualified to make the choice than outsiders. Our contention would be amply proved by reference to Islamic history. The point in issue is therefore quite clear and we hope the Mussalmans of India, finding in the Turkish National Assembly a real bulwark of strength to the Khilafat, would approve of their decision.

We also want to make it clear that England would not only gain nothing by championing such propaganda, but would actually embitter Muslim feeling against it. The Mussalmans of India have, during the last eight years of constant intrigue, vilification and insults, tasted the cup of bitterest suffering and humiliation particularly at the hands of Great Britain. The sudden concern shown by the subsidised agencies and presses of Great Britain about the alleged disregard shown by the Angora Government to the sentiments of Indian Mussalmans can never deceive us. Such sudden and deep concern for our cause is to us nothing but the fore-runner of some deep design on the part of the British Foreign Office



to deal a fresh blow to the cause of Khilafat and Islam. An instance of this we find in the recently cabled news about Sultan Wahid-ud-din's visit to India, the natural outcome of a three hour's interview with General Harrington. If the British Foreign Office hopes that with the help of a stage-managed reception in India backed by the amenable responsiveness of puppets like the so-called Kings of Hedjaz, Mesopotamia and Trans-Jordania and Egypt, they can set up the present Sultan as a spurious and a rival Khalifa somewhere in their own zone of influence, the British Foreign Office shall hope in vain. Indeed such a plot, the last desperate attempt of a bankrupt statesmanship and of crookedness, is bound to recoil on their originators themselves.

And the Central Khilafat Committee at a meeting held in Calcutta on November 21st passed the following among other resolutions.—

This meeting of the Central Khilafat Committee regards those actions of the deposed Sultan Wahid-uddin Khan as opposed to the Islamic interests and his dignity as Khalif which during his reign have resulted in enhancing British and non-Moslem prestige and domination and have all along proved an impediment in the way of the Angora National Assembly, the final proof thereof being amply furnished by the deposed Sultan's refuge under British protection. This meeting further views with alarm the design of the British Government in connection with the question of Khilafat and its attempts to create discord in the Moslem world by affording protection to the deposed Sultan. This meeting hereby declares that in as much as the parading of the deposed Sultan in India or other Islamic countries as a rival claimant against the properly elected Khalif is a sure proof of the mischievous designs of the enemies of Islam to create disunion and discord and thereby destroy the unity of sentiment prevailing in the Islamic world and to disconcert the glorious achievements and slur the reputation of the National Assembly and to alienate the sympathies of Mussalmans therefrom, this meeting warns the British Government that the entire responsibility for the evil results ensuing from such policy will rest with them and in the event of the Khalif being brought to India to win the sympathies of Indian Mussalmans, it will be the duty of Mussalmans of this country to completely boycott the deposed Khalif who has damaged the cause of Islam and Khilafat. The Committee further considers its duty to impress on the Moslems of other countries to beware of the activities of the British Government and abstain from doing any thing which may prove detrimental to Islamic unanimity of thought and action and which may afford enemies of Islam a chance to create hostile atmosphere against the National Assembly of Angora by professing sympathy for Islam.

#### The Lausanne Conference.

With reference to the proceedings of the Lausanne Conference, this meeting of the Central Khilafat Committee considers its duty to declare that if the Allies' terms of peace be in any way derogatory to the dignity and integrity of the Khilafat, its military, administrative, financial and economic freedom and complete independence, or in any way amount to the refusal and non-recognition of the real sanctity of the Holy places and their freedom from non-Moslem control and influences, or tend to impose non-Moslem domination over other Moslem countries, they would be wholly unacceptable to Mussalmans and they would ever continue to agitate against the imposition of such unjust terms.

This meeting of the Central Khilafat Committee resolves that the auspicious occasion of the enthronement of H. I. M. Amir-ul-Momineen Sultan Abdul Majid Khan II as Caliph of all Mussalmans be marked with special rejoicings in India for which the Committee authorises its Secretaries to fix a date later on to be

observed throughout India as a day of rendering homage to the new Caliph and offering prayers in all Mosques after Jumma Prayers.

### The Lausanne Conference.

The conference of the Powers met at Lausanne on the 20th November 1922. The draft peace terms presented at the end of January were not satisfactory to the Angora Government and there came a deadlock. The actual rock on which the split took place was the question of economic concessions in which France and Italy were interested, and so far as Britain was concerned she wanted Mosul for its rich oil-fields. The conference at Lausanne accordingly broke up and the Turkish delegates took back to Angora the draft peace terms. A series of counter-proposals were presented by Angora to the Allies early in April, and on the 23rd of that month negotiations were renewed at Lausanne. The negotiations during these months were alternating gustoes of hot and cold blasts. One day news came of peace, next day of war, and this went on till it became nauseating. The capitulations became now the test question. It tried to impose allied authority over allied subjects within the Turkish country, just as here in India Europeans are better treated and protected by law than Indians. The actions of some hot-heads in Turkey and Greece brought about periodic crises; but these events failed to interrupt the firm attitude of Angora and the progress of the conference. The question of the Ottoman Debt came at one time near to causing a deadlock, but all parties were actuated by a desire for peace; and the Allied willingness to compromise enabled all difficulties to be surmounted. On July 24, 1923 peace was finally signed; and the Angora Government having ratified the Treaty on August 23rd, all allied troops left Turkey within the next six weeks.

But the effect the Lausanne negotiations had on India was remarkable. For fully nine months the Indian Muslims talked of little else than Angora and Lausanne. In the Khilafat Conference and the Jamiat-ul-Ulema held at Gaya in 1922 the main theme was Turkey (proceedings given elsewhere in this Register). The telegrams from Lausanne created much excitement at Gaya and the Khilafat and Congress leaders met in a conference in which it was declared that the "whole of India would stand by Turkey." The British Government was warned of the consequences of precipitating an Indian War. The Muslims declared that they would stand by the Turks to the last Moslem living, and would disobey all laws which stood in the path of their religion.

On January 1, 1923, at its final sitting, the Khilafat Conference warned the Government that in

the event of a war with Turkey, due to the unjust attitude of the Allies, particularly of Britain, the Muslims of India would immediately launch Civil

Disobedience with a programme which would include spreading their propaganda among the police and the army, the stoppage of fresh recruitment, refusal to subscribe to war loans, recruitment to the Angora Legion, picketing of foreign cloth and liquor-shops and preventing the export of food grains.

The conference did not stop with this : it decided to raise 10 lakhs of rupees and 50,000 volunteers within the next three months, when the committee would advise as to the launching of Civil Disobedience. The Angora Legion was to be at once started. A resolution was also passed declaring that India's struggle for liberty would benefit by her making common cause with other Asiatic countries.

All this high talk, however, came to nothing. For Britain softened down in April. Lord Curzon, the Foreign Secretary, with consummate diplomacy eat the humble pie, and humoured Angora to a peaceful frame of mind. Peace was concluded with Angora on July 24th. The occasion was sought to be made into a huge Hindu-Moslem demonstration of rejoicings at the successful emergence of Turkey as an independent Asiatic Power. A joint manifesto signed by about 150 Hindu and Muslim leaders representing different communities and all presidencies was issued as follows :—

### Turkish Peace Celebration.

Peace between Turkey and the Allies is to be signed. It is a complete triumph for the Turkish arms and the Turks have vindicated their national honour, secured independence for their country, a glory for the East, and acquired a status amongst the great powers of Europe. For India this peace means a partial fulfilment of the triple purpose of her present struggle. The Turks have achieved all their national aims, but the integrity of the Khilafat still remains to be restored according to the requirements of Islam. It can only be secured through the liberation of Zazirat-ul-Arab from foreign control and influence. A continuance of the mandates for Palestine and Mesopotamia and the wholly unsatisfactory status of Hedjaz are against the requirements of Islamic law. A settlement acceptable to Islam and India can only be secured when the Zazirat-ul Arab is entirely freed from foreign control of any kind and under any pretext. It is largely through India's assistance that domination over Zazirat-ul Arab is maintained. The complete freedom of the Holy places of Islam can only be attained when such assistance is withheld. India must secure control over her foreign policy if this result is to be achieved. The struggle for Swarajya therefore becomes doubly imperative to Indians, for without Swarajya control of India's foreign policy is impossible. The Mussalmans of India must realise that their harmonious and consistent co-operation with the Hindus and other communities of India in the struggle for Swarajya is essential both from a national and a religious standpoint. The Hindus must also realise that a satisfactory settlement of the Khilafat question is now a part of settled national policy and they must whole-heartedly co-operate with the Mussalmans in achieving this end as they have hitherto done. This struggle must be pushed on with a greater vigour and greater confidence. The success of the Turks will, it is hoped, strengthen our national determination and spur us on to greater national effort. As India has contributed in whatever small measure her share in the struggle of the Turks for independence, it is only proper that Hindus, Mussalmans, Sikhs, Parsees and others should join

together in celebrating its triumphant termination. India, having shared the trials and tribulations of Turkey, must now also share her rejoicings. These rejoicings will serve a triple purpose. First, they will remind the people of India that the victory they celebrate is largely the result of their common endeavour under the guidance of their great leader Mahatma Gandhi and his lieutenants Maulanas Shaukat Ali and Mahomed Ali who are now in Jail. Secondly, they will stimulate the people to greater effort for securing the complete satisfaction of their demands; and thirdly, they will by bringing all communities together in a common act of thankfulness of God Almighty help to remove these differences between Hindus and Mussalmans which have unfortunately sprung up recently in some parts of the country and are sapping the foundation of National solidarity on which alone can the structure of Swaraj be built. It is therefore proposed that joint celebrations of the Turkish Peace Treaty by all the communities, Hindus, Mussalmans, Sikhs, Parsees and Christians alike should be held on the occasion of the ensuing Iduzzoha. Muslims should pray in the Edgah for the welfare of the Khilafat and the non-Muslims should fraternise with them in a becoming manner. On the following day a joint procession with National and Khilafat Flags should be arranged and mass meetings should be held everywhere at which resolutions should be passed: (a) congratulating the Caliph and H. E. Ghazi Mustafa Kemal Pasha, (b) reiterating our demands regarding complete independence of the Jazira-tul-Arab, (c) expressing the determination of the Hindus, Mussalmans, Sikhs, Parsees and Christians of India to remain united for the common goal of attainment of Swaraj. At night on the procession day illuminations should be arranged and collections for the Khilafat Fund started during the three days of Iduzzoha.

### Khilafat Committee's Appeal.

The following significant statement was also issued by Dr. M. A. Ansari, President; Masih-ul-mulk Hakim Ajmal Khan; M. Abdul Qadir of of Qasoor, Vice-Presidents, Dr. Syed Mahmud, Messrs. Moazzam Ali, Osman Sobani, Hony. Secretaries; and Mr. Omar Sobani Hony. Treasurer of the Central Khilafat Committee of India in connection with the Turkish Peace celebrations on Iduzzoha, the 25th July, 1923:—

The protracted negotiations at Lausanne are about to come to a speedy termination as the peace is going to be signed. Unfortunately the anticipated conclusion of a satisfactory treaty of peace between Turkey and the Allies has given rise to an erroneous impression among the Mussalmans that the struggle for the integrity of the Khilafat is well nigh, if not already, over and that they can now sit quiet without raising a finger in the matter. Besides this the unhappy state of inter-communal affairs arising out of incidents in the Punjab and elsewhere has also resulted in aggravating the feeling of apathy not only towards the Khilafat question but also towards the struggle for Swaraj in India, and thus unfortunately the attention and energy of the nation has been focussed on questions of far lesser importance which could be very well disposed of at leisure after the actual fight for freedom was over. The present state of things in India call for an immediate and authoritative statement as to what our future line of action should be.

The crux of the Khilafat question, as has been stated frequently, is the freedom of the Jazira-tul-Arab which is certainly not going to be secured as a result of the Lausanne pourparlers. True, Reuter has informed us of a treaty between the British Government and King Husain driving at something which

has been sought to be trumpeted about as the "independence of Hedjaz." But who cannot detect after the past bitter experience of British diplomacy giving ingenious meaning to innocent words the true significance employed by the "Independence of Hedjaz"? The Mussalmans have not forgotten yet the existence of Egypt's subjection despite "Independence." As a matter of fact it is evident that the British statesmen desire to perpetuate the British domination over Arabia, Mesopotamia and Palestine under the cover of apparently harmless shibboleths. In our opinion, therefore, the attention of the Mussalmans, far from waning into indifference, must in fact be now wholly concentrated on the Jazirat-ul-Arab and more so because theirs is a greater responsibility than that of the non-Indian Mussalmans, in as much as it is through Indian money, Indian men and Indian food products that the Holy Land is being retained under non-Muslim control. It, therefore, becomes the incumbent duty of the Mussalmans of India effectively to stop the flow of men and money and foodstuffs into Arabia in order to enable it to free itself from foreign domination. In other words the Mussalmans must work for the attainment of Swaraj if they want to free the Jazirat-al-Arab; and the only real obstacle to Swaraj is want of complete and unreserved inter-communal understanding which obstacle the Mussalmans have to remove immediately.

#### Results of Turkish Treaty.

But, in the meantime, we should not forget that the successful termination of the Lausanne Conference has to a great extent lessened our anxieties by securing the satisfaction of at least half of our demands. Anatolia is now free from the Greeks and the Turks will shortly become the master of Constantinople, the city of Islam, and Adrianople, the city of many pious memories and traditions. The pernicious and humiliating system of capitulations is virtually disappearing and finally Turkey is again to be recognised as an independent power.

We can safely assert that in bringing about this happy consummation, the Muslims of India have played no insignificant part, nor less magnificent has been the contribution of India as a whole under the guidance of its great leader now in jail. Even the Turks themselves acknowledge the heroic sacrifices of India and of the Mussalmans of India and regard it as of inestimable value. It is, therefore, a fitting occasion to celebrate our achievement by offering thanks-giving service to the Almighty God.

It has been decided that the ensuing Iduzzoha should be celebrated on a very grand scale. Thanks-giving prayers should be offered after Id prayer and a joint Hindu-Muslim procession be taken out with National and Khilafat flag to commemorate the occasion. As the rejoicing is to be common to the non-Muslims and the Muslims, it is hoped that the latter will refrain from any action which by hurting the susceptibilities of their Hindu fellow countrymen, will mar its complete observance. It is equally hoped that our Hindu brethren will not do anything which will mar the rejoicing of united India.

All-India demonstrations were accordingly held in which the Hindus too whole-heartedly joined the Moslems. And, but for occasional riots, specially in Northern India (see *post*), the movement had have proved as fruitful as the Hindu-Muslim *entete* under M. Gandhi in 1921. But unfortunately the Moslem extra-territorial mind could yet find its peace. Of late, however, it has begun to dawn upon Indian Mussalmans that the aims dominating the new Turkish Govt. are more national than religious in inspiration. The deposition of the Sultan in 1922 and the election of his nephew Abdul Majid

Effendi as Khalifa, but not as Sultan, came somewhat of a surprise to the Indian Mussalmans, for it implied that vaticanization of the Khilafat which Indian theologians had stoutly maintained to be foreign to the doctrines of Islam. Towards the end of 1923, the Angora Assembly definitely decided to constitute itself into a Republic, with the result that the Khalifa found his power and prestige considerably restricted. Early in 1924 this step was followed by one which came as a most severe shock to Muslim opinion outside Turkey, and more particularly in India. The office of Khalifa was abolished by decree of the Angora Assembly, and the existing incumbent, with all his dependents, was expelled from the Turkish territory under circumstances of considerable harshness. Affairs of this period however are reserved for the next issue of the Register.

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# The Liberal Party

The only considerable party in power in 1922-23 was the party of the Moderates. Besides the moribund non-co-operators and the Moslems, after the arrest of Gandhi there remained only the Moderates at first exercising considerable influence with the Government. Soon however a new party arose, namely that of the Hindus under a group of Independents headed by Pundit Madan Mohan Malaviya who organised an all-India Hindu Mahasabha. Already at Gaya in December 1922 this group had come into existence and during the year following it played an important part in the political sphere. An important meeting of the Mahasabha was held in August 1923 the proceedings of which are given on pages 129—140.

## The Liberal Party

The Moderates in Indian politics, well known as the Liberal Party, had accepted the Reforms for all they were worth and had undertaken to work it till they could get a fresh instalment of constitutional advance from the British Parliament. All through the trying period of the N-C-O activity of the Congress, the Government had on policy fallen back on the Liberals and secured their whole-hearted support and co-operation. For some time the reformed constitution worked well. But after the arrest of M. Gandhi the angle of vision changed. Mr. Montagu was dislodged from the India Office. A Tory Secretary of State and a reactionary Under-Secretary of the die-hard school came into power. Their advent at the helm of Indian affairs was a signal for the die-hard Tories in England and the Anglo-Indian and Service-men in India for a simultaneous outcry against the Reforms. The attitude of the Provincial and Central Governments of India manned by these Service-men suddenly changed. With non-co-operation hurried at Chauri Chaura and Bardoli, the bureaucracy could breathe freely and now turned round to face the Liberals. It was the Liberals' turn now to be routed. The old policy of *divide et impera* came handy. Mr. Lloyd George's "steel-frame" speech was the signal for an open fight with the Liberal party in India. The latter had absolutely no backing in the country. Their only strength lay in the Councils, and here divided interests, partly of office and patronage, partly of the landed classes, and partly of religious susceptibilities prevailed, and made them easy pawns in the hands of the officials.

By the end of the year 1922 the stage was set complete

for this game of routing the Moderates. In the September session of the Assembly in 1922 the implications of Mr. Lloyd George's "steel-frame" speech was debated at length and a vote of censure was passed but, as was natural, it was brushed aside and no notice was taken of it. In the same session a Police Bill was forced through and the Prince's Protection Bill which sought to re-enact the repealed Press Laws was certified though the Assembly refused leave even of its introduction. This was the first occasion for the exercise of the Viceroy's extraordinary power of certification, and created a great furore as this power of certification reserved in the Reform Act was meant actually to be exercised in a case of great emergency when otherwise Government can not be carried on. It was really the first open slap in the face of the Moderates and the first warning against the pretensions of the Assembly to thwart the uncontrolled will of the Executive Government. It was also the first moral defeat of the Moderate party in the Assembly as it falsified their hopes that the Reforms did give any real powers to the Legislature. This was followed in October by another home-thrust.

### The O'Donnell Circular

Lord Reading's Government received from the Secretary of State the Cabinet's considered opinions on the subject of the O'Donnell circular and the Assembly's resolution regarding the Indianisation of Services. The Cabinet's opinion was reported not only to reflect the sentiment expressed by Mr. Lloyd George in his notorious "steel frame" speech, but also to lay down certain injunctions on Lord Reading restraining him from doing anything likely to prejudice the future and the prospects of the British element in the present Civil Service. As a result of this reply all ideas about Indianisation, such as the hope entertained in certain responsible quarters of creating a new cadre of Civil Service consisting entirely of Indians qualified and trained in India, fell to the ground. Lord Reading's position thus was made more ridiculous.

There existed at this time a high tension in the relations between Simla and Whitehall or Lord Reading and the British Cabinet. His Excellency was being handicapped at every step by interference from Whitehall from the day Mr. Montagu resigned, and this exposed Lord Reading and his Government to open surrender or somersault in matters like cotton import duties and repeal of the Press Laws. Their ungracious, unceremonial, summary rejection of Lord Reading's favourite plans for Indianisation of the Army and Civil Services, and other recommendations for liberalising the administration, better management of Indian finances, broadening the scope of the Reforms



within the provisions of the existing Act, and lastly on the Turkish Treaty, sometime fanned the rumour of the Viceroy's impending resignation. The Acworth and Army Requirements Committees' reports shared no better fate at the Cabinet's hands, while the fate of the recommendations of the Racial Distinctions Committee presided over by Sir Tej Bahadur Sapru hung in the balance.

### The Liberal Rout.

Such was the setting on the political table on the eve of the year 1923. The year opened with the resignation of that great Liberal, Sir Tej Bahadur Sapru, from the Government of India. His sudden retirement from office at this period was a bad augury for the party and for sometime speculation ran rife whether it was really due to ill health, as was given out, or because Sir Tej Bahadur had, from his inner experience of the Governments of Whitehall and Simla, a warning of coming events. Of these events, recorded in detail in this volume, may be mentioned some further Liberal resignations, notably of Sir Chimanlal Setalvad from the Bombay Government and of Messrs Chintamani and Jagat Narain from the U. P. The disillusionment about the reality of the Reforms came gradually, first in the shape of the appointment of a Royal Commission to consider the pay and prospects of the European Services without entering into the question of Indianisation which was brushed aside, secondly, the Secretary of State's Despatch denying any further advance in constitutional reforms as demanded by the Assembly, and thirdly, a regular train of certifications both in the Central and Provincial Governments, which showed how little the bureaucracy cared even for the moderate popular opinion prevailing in the Councils, and to cap all, the doubling of the Salt Tax against the united voice of all India, and, lastly, the insult offered to the Indian nation by the outrageous Kenya decisions of July 1923 (*see post.*)

The Liberals, however, did not take long to recover from these staggering blows, and towards the end of the year they began roundly to retaliate. When the third and last session of the Assembly met at Simla, the strained feeling between the legislature and the executive was at its height and some strong defeats were inflicted on the Government. A resolution was passed against the Government recommending curtailment of the special powers under which the Viceroy had acted in certifying the Finance Bill with the doubled Salt Tax. Another for shortening the period of probation under the reforms act was also carried against Government. The Reciprocity Bill aimed against the Kenya decision was also passed against the Government, and on all sides it was apparent that there was now little love lost between the Government on one side and the Liberals on the other.

## Sir Taj Bahadur Sapru's Work

Whatever the real reason of Sir Sapru's resignation, he immediately threw himself into the task of reorganising the Liberal party the very existence of which was then threatened. With Government support gone, and the greatest popular antipathy raging against them for having made themselves a mere cats-paw in the hands of Government, it was necessary for the Liberals to rally strength specially as two great blows were coming from Whitehall. One was the Royal Commission on the Services (see also pages 121 and 477) and the other was the Secretary of State's Despatch on the Reforms addressed to the Viceroy and published early in January 1923. It ran as follows :

## The Secretary of State's Despatch

From

The Rt. Hon. Viscount Peel, Secretary of State for India.

To

H. E. The Governor-General of India in Council.

'My Lord,—More than a year has elapsed since Your Excellency's Government forwarded to my predecessor the report of a debate which took place in the Legislative Assembly in September of last year, as a result of which a motion was carried recommending that the Secretary of State should be informed that the Assembly was of opinion that the progress made by India on the path to responsible government warrants a re-examination or revision of the constitution at an earlier date than 1929. On the 28th February last my predecessor stated, in reply to a question put to him in the House of Commons, that he intended to address a despatch to Your Excellency's Government in reply to this motion, which would follow generally the lines of his speech in the course of the debate on the address a fortnight earlier. Circumstances however, prevented the fulfilment of this intention, and since it has fallen to myself to make the reply which it is desirable that the Assembly should receive, I do not imagine that Your Excellency's Government will have expected that I should address myself to so large and important a question without mature consideration, even though some further delay was involved. The result of my consideration is that I have little to add to, and nothing to qualify in, the statement of

the case made by my predecessor in the concluding portions of his speech in the House of Commons on the 14th February last.

**Three Reasons for not Amending the Act.**

'The policy deliberately adopted by Parliament in enacting the Act of 1919 and recently reaffirmed by the present head of His Majesty's Government was to provide an instalment of Self-Government, but at the same time to make further progress in that direction dependent upon experience of the practical results achieved in the working of the new constitution as a whole. It would have been a matter for surprise had any speaker in the Indian debate of September of last year attempted to prove as the result of six months' experience of a new constitution that its possibilities were exhausted and that nothing remained to be learned from further experience of its operation. No such attempt was made and the arguments used in support of the motion consequently lose some of their cogency, in my view, for three reasons.

'In the first place, they assume that progress is impossible under the existing constitution and can be achieved only by further amendment of the Government of India Act. This assumption, I believe, to be fundamentally erroneous. The outstanding feature of the change made by the Act of 1919 was that it provided British India with a progressive constitution in place of an inelastic system of government, and that consequently there is room within the structure of that constitution for the Legislatures to develop and establish for themselves a position in conformity with the spirit of the Act.

'In the second place, however great the merits shown by the Legislatures as a whole and by individual members—and I am far from wishing to under-rate them—the fact remains that the merits and capabilities of the electorate have not yet been tested by time and experience. The foundation of all constitutional development must be the presence of a vigorous and instructed body of public opinion operating not only in the legislatures, but what is even more important, in the constituencies. Until this foundation has been firmly laid, progress would not be assisted and might indeed be retarded if fresh responsibilities were added to those with which the electors have so recently been entrusted.

'Thirdly, the new constitutional machinery has to be tested in its working as a whole. Changes have been made as the result of the Act of 1919 in the composition, powers and responsibilities not only of the Legislatures but also of the Executive Governments. No estimate of the success of the new system could pretend to completeness which was not based upon proof of the capacity of these bodies as now constituted to administer the duties entrusted to them, duties which from the point of view of public welfare are at least as

important as those of the Legislatures. And a trustworthy proof of such capacity can only be established by experience of the extent to which the increased association of Indians in the sphere of executive responsibility has justified itself in practice.

'I would add that even were these reasons for patience less cogent, an opinion based upon six months' experience of its working, that a new constitution in the elaboration of which over two years were occupied stands in need of revision, is hardly likely to commend itself to Parliament, since it is clear that sufficient time has not elapsed to enable the new machinery to be adequately tested. It would in fact be without precedent if a constitution, deliberately framed to provide a basis for development in whatever directions experience may indicate, were to be brought under review within a few months of its inauguration, and indeed any such process could hardly fail to deprive the constitution of a large element of its value by determining prematurely the precise directions in which further progress is to be made.

'I shall be glad if Your Excellency's Government will cause copies of this despatch to be laid on the table of both the Chambers of the Indian Legislature.'

#### Sir Tej Bahadur's Experience.

The first important pronouncement of Sir Tej Bahadur on coming back to public life was made at a welcome dinner given in his honour by the United Provinces Liberal Association on Sunday the 28th January 1923. Sir Tej Bahadur was the president of this Association before his taking of office, and before a large gathering of liberals who had met to welcome him back as their leader he gave out his mind on many matters of public importance, especially on his experience as a member of the Government of India. In the course of a long narration, he said :—

"When in 1920 I took office I did so in the hope and belief that it might be possible for me to do something, however little, in the way of promoting the cause which has been near the heart of every true Indian. I went into the Government under no false colours. I went there as a liberal with all the convictions of a man of your party, but this much I shall venture to say in all humility and in all sincerity that in approaching questions which affected the interests of India as a whole, I never for one single moment placed the party above the country. No one is more conscious than myself that I have not been able to realize even a small fraction of what I hoped I might be able to do.

'The times through which we have passed have been of exceptional difficulty. But in spite of all those difficulties and even in the darkest

moments I was sustained by the hope that some day or other the broad principles and the policy of the Liberal Party would receive their vindication. Gentlemen, nothing has been more gratifying to me than that a certain section of our countrymen (referring to the Swarajists), who at one time urged that the Councils and the Legislative Assembly were absolute shams and snares to be shunned and avoided, should now discover that they are at least worth trying. (Hear, hear.)

‘Speaking for myself, I welcome the decision of those who have now proclaimed their intention to go into the Councils. I am aware that in some quarters there is a somewhat uncomfortable feeling that when these gentlemen go into the Councils they may succeed in their professions of destruction. Gentlemen, my own belief, however, is that when they have entered the portals of the Councils and seen them at work and come into direct touch with realities, they will soften down still more and discover for themselves that so far from their being able to wreck the Councils, the only option left to them is to work them.

#### The Provincial Councils.

‘When the Reforms were introduced it was stated in high quarters that it would be the Provincial Councils which would be the seat of power and Provincial Governments would loom much larger than the Central Government. Having worked on the Southborough Committee I was even at that time of a different opinion, and speaking to a very distinguished English statesman in England in 1919 I ventured to differ from him in his forecast. But what was my surmise at that time has now been proved to be a fact by actual experience during the last two years. Do not for a moment imagine that I am indulging in any depreciation of the provincial Councils or underrating their work. I am only stressing the point about the growing importance of the Central Legislature.

‘It is true that such knowledge as I possess of the working of the Provincial Councils has been derived from a distance, and it is precisely for this reason that I do not wish to be dogmatic about them or the Provincial Governments. I cannot, however, help feeling that it is really up to the Ministers of the Provinces to take the public into their confidence and tell them authoritatively what their experience has been inside the Councils and the Governments. I shall beg leave, however, to say that what has disappointed me most is that excepting in very rare instances the Provincial Ministers have observed silence in regard to the larger questions which affected the interests of the country at large. I believe constitutionally their position is one of comparatively larger freedom than that of

Members of Executive Councils. I know that it is difficult for men holding office as Ministers to make speeches in public in the manner in which an irresponsible individual like myself is speaking to you to-night. (Laughter). And I sincerely hope and trust that these remarks of mine will not be taken as indicative of a carping spirit. I am only inviting them to be a little less provincial in their outlook, and with the knowledge and experience they have gained, to tell us something about the difficulties they have experienced in the working of Dyarchy. Even if some of them think harshly of the Government of which I was until recently a member, I shall not mind it, but I do feel that they owe it as much to their constituencies as to the country at large that they should place before us the results of their experience.

### The Central Government.

'As regards the Central Government, I think you are entitled to call upon me to tell you what my experience has been. So far as the Central Government is concerned, I think there are two outstanding facts which I must at once place before you. In the first place, the Central Government is directly responsible to Parliament through the Secretary of State. In the second place, it is in a manner responsible to the Legislative Assembly consisting of a solid non-official majority and a Council of State with a non-official majority but with a strong dose of conservatism in its present constitution. In regard to the control of the Secretary of State, I wish on this occasion again to emphasise generally, without referring to any particular matter which came to my knowledge in the course of my official duties, that the control of the Secretary of State over the Government of India is not a mere phrase of convention. It is a living control exercised over the cable and exercised not very sparingly. It does not mean that the Secretary of State always over-rides the Central Government, or is in perpetual war with the Governor General in Council, but the fact remains that he holds the reins in his hands and holds them very tight at times. Well, constitutionally, that is to say, according to the present constitution, the position is perfectly sound and easily intelligible. The Central Government is responsible for the good Government of this country to Parliament and the accredited agent of Parliament is the Secretary of State. The statute vests powers of direction, control and superintendence in the Secretary of State and if he does exercise those powers from day to day, legally he is within his rights.

'But let us examine a little more carefully how that responsibility is discharged. So far as Parliament itself is concerned, to whom does it owe responsibility? To the British voters? What does the British voter know of India? What is the amount of interest he

takes in India? Has he any inclination to worry himself about India. I need not answer these questions. Who then represents his views on or interests in India in Parliament? Not more than half a dozen whom, I hope, I am not libelling when I describe them as 'die-hards.' In addition to them a couple of Labour members who are summarily dismissed by critics here as mere visionaries and just a few retired Anglo-Indian administrators who came to India in a different atmosphere, who governed this country according to the traditions of old autocracy, and who cannot at all visualise the present day conditions of India. Necessarily, therefore, Parliament must depend upon its accredited agent, the Secretary of State. But who is the Secretary of State? An English politician whose qualification is not necessarily that he possesses any personal knowledge of India or who is in direct touch with the living Indian movements. It is not always that you can have at the India Office a man of the wide knowledge and deep sympathies of Mr. Montagu. Mr. Montagu's knowledge of Indian politics and Indian politicians, of Indian administration and administrators, was perhaps unequalled in England and I doubt whether it was surpassed even by the knowledge of any administrator in India. It is not even an Austin Chamberlain who can always be spared by the British Cabinet for the India Office. Very often, as has been observed by a shrewd critic, it is a statesman who is not wanted at the War Office or the Colonial Office, to whom is assigned the India Office, notwithstanding that his ignorance of Indian conditions may be appalling. The Secretary of State in his turn depends upon the expert advice of those who surround him. Some of them, the members of the permanent staff, have never crossed the Suez. Others of them derive their knowledge of India from blue books and books of all shades and colours. Others, again, are gentlemen who did very good work in their day in India but retired several years ago. I am not, of course, referring to my friend Sir William Vincent who has yet to take his seat in the India Council and who, I have no doubt, will bring his fresh stock of knowledge to bear upon his work. This, gentlemen, is the ordinary constitution of the India Office, and all that I am seeking to emphasise without impugning in the slightest degree the motives or the *bona fides* of those in power at Whitehall is that it is extremely dangerous for those gentlemen to dogmatise about India, the rapidly changing conditions of which it is impossible for them to visualise. The truth as it strikes me is that the theory of the direct responsibility of Parliament and to Parliament has no life and no vitality left in it.

#### Freedom of Government of India.

'There was undoubtedly a time when it was customary with us to appeal from the Government of India to the Secretary of State.

But times are changed and I see no reason why even under the present constitution the Government of India should not enjoy a much larger measure of freedom so as to be able to discharge those obligations to the satisfaction of the country which neither Parliament nor the Secretary of State can. Take, for instance, a section of the Government of India Act which is not so well-known to the outside public as it should be. Under Section 19 A. the Secretary of State can frame rules for the relaxation of this power of direction, control and superintendence over the Governor-General in Council. To the best of my knowledge no rules have been framed under this section for the general relaxation of those powers. There is only one insignificant rule which might well be ignored so far as the general issue is concerned. When the Secretary of State will be prepared for this act of supreme self-sacrifice I do not know, but of one thing I feel sure, that we can get a great deal more from the sun-dried bureaucrats with whom I had the honour to work at Delhi and Simla and who in my opinion are far more amenable to the reasonable influence of the Legislature and have a better appreciation of the situation in the country than the distant bureaucrats at Whitehall. It is for this reason that I maintain, and maintain very strongly, that a liberated Government of India will mean an early liberation of India.

### Provincial Autonomy.

'I am aware that many of you have been laying the greatest possible stress upon an early grant of provincial autonomy and the introduction of an element of responsibility in the Central Government. I do not mind telling you that in at least certain high quarters there is a distinct sympathy with the demand for provincial autonomy. I am also aware of the usual arguments advanced in certain quarters against a further advance. I cannot, however, help feeling—and these are my personal views—that it would be a great mistake to make an advance towards provincial autonomy without at the same time altering the character of the Central Government and freeing it from the leading strings of the India Office. I am afraid that so long as the Central Government continues to be what it is—a subordinate branch, to use the phrase of Lord Curzon, of his Majesty's Government in England—I should not be prepared to stake much on mere provincial autonomy. I do not know when the change will come. Frankly, I do not expect any great change in the near future.

### The Secretary of State's Despatch.

'All that I know is that the Secretary of State has sent a despatch on the subject which is now public property. He has referred to the



possibilities of the present constitution. One of these possibilities, if I may venture to say so, is the freedom of the Government of India. Is he prepared to grant that? He has referred to the want of experience of the Legislature and to the absence of a proper education of the electorate. I for one do not base any claim on the experience or the want of experience of the Legislature. And as to the education of the electorate, I am the last man to underrate its importance. I believe it is up to us to take up the education of the electorate seriously in hand. At the same time, it is neither wholly true that the electorate is so uneducated as it is supposed to be, nor does it seem to be at all likely that by the year 1929 the electorate will have been so much educated as to justify *on that ground and that ground alone* a further advance. The fact of the matter seems to me that the present constitution is so very peculiar and so lacking in vitality that it cannot last very long.

'And here I will remind you that Parliament is pledged not only to the progressive realization of responsible self-government but to the increasing association of Indians in every branch of the administration. As I understand it, the two parts of the pledge are intimately and indivisibly connected with each other. If the Secretary of State is prepared to say 'No' to the demand of the Legislative Assembly in regard to constitutional advance, I cannot help feeling that consistency alone required that he should have hesitated to appoint a Royal Commission about the Services.

'To my mind the Royal Commission, so far as it is intended that it should deal with the constitution of the services in future, may pre-judge and prejudice the question of constitutional advance in future. I do not know whether ultimately it is intended to widen the scope of the Royal Commission. With the services themselves I have no quarrel. I have not the slightest ill-will against them. I have seen enough of their ability, their devotion to duty, and their zeal and I cannot speak unkindly of them, notwithstanding that their political point of view may not always be the same as mine or yours. I have said already and I do repeat that if there are any legitimate grievances of the services, imperial or provincial, by all means let them be redressed. But I fail to see why a Committee of the Government of India could not bring the necessary redress and why it should be necessary to have the cumbrous and expensive procedure of a Royal Commission, a commission which has not been welcomed even by non-official European members of the Legislature such as Sir Montagu Webb and Mr. Spence. What the constitution of the services in the future will be, when provinces have achieved independence and when the Government of India have become masters in their own house, whether the provinces will at all require all-India

services, what the method of their recruitment will be, whether they will continue to enjoy even the present measure of political power, are questions so intimately connected with the development of our constitution that I cannot but regret the decision which has been arrived at. The question of the redress of the grievances was a much simpler question and could in my humble opinion be dealt with effectively and expeditiously by the Government of India themselves. For aught I know to the contrary, even the decisions of this Commission with regard to Indianisation may be such that they may not at all fit in with the development of our constitution in future.

#### Indianization of the Army.

‘Not less important than the question of the Indianisation of the services is the question of the Indianisation of the Army, on which his Excellency the Commander-in-Chief made a careful and cautious statement the other day in the Assembly. I am afraid, gentlemen, I cannot go at length into the question for two reasons. In the first place I have already abused your patience too long. In the next place it is no use going into the general question of principle without going into the details of the scheme which it will not be fair or right on my part to discuss until the Government themselves publish it. It is at present what is known as an official secret. I shall only say that the question of the Indianisation of the Army is one which deserves serious study and consideration, for on the satisfactory solution of it depends the fruition of our political ambition.’

As to how to achieve the end in view they had, he said : ‘I have no doubt that the only method of work open to you is the constitutional method, the method which seeks to bring pressure to bear upon the Government in accordance with the well-recognised principles of constitutional work. It may be that that method of work may be slow and laborious, it may be that every single effort of yours may not succeed, but where is the politician who can guarantee success? But whatever you may do, I sincerely hope and trust that your promises to the country will not be more lavish than your capacity to achieve them.’

Turning next to the organisation of the Liberal Party, he said :—‘I do sincerely hope and trust that if our party really means serious business it will not rest on its oars but first organise itself, for without organisation you can neither add to your influence nor to your strength. While undoubtedly I advise you to form yourself into a strong party with a progressive programme, I also sincerely hope and trust that we shall steer clear of the worst features of the modern party system. If there is to be a rivalry between us and any other party, let the basis of that rivalry be a desire to serve the country according to our own lights.’

# The National Conference

DELHI—12TH FEBRUARY 1923

On FEBRUARY 12TH the National Conference, convened by Mrs. Besant for the discussion of a programme of Constitutional Reform for the achievement of Self-Government, met under the presidency of Sir Tej Bahadur Sapru at the Eastern Hotel, Raisina, Delhi. About 150 delegates from the different provinces attended. Those present included prominent non-officials from some Provincial Legislatures and Local Boards and some public organisations. The object of the Conference, as laid down on the agenda paper, was to outline a programme for submission to the electorate and to provide an elastic machinery for the co-ordination of the efforts of its members and organisations, to call a National Convention after the approaching elections, in order to obtain for the Commonwealth of India Dominion Status in her external relations and Swaraj in her internal affairs.

Dr. BESANT, the convening Secretary, opened the proceedings ; she traced the history of the events which led to the convening of the Conference and emphasised that all who believed in Parliamentary action as opposed to direct action could join them, and public organisations could be affiliated if while continuing to work on their own lines they kept themselves within the limits prescribed by the Conference.

Mr. RANGACHARIAR proposed Sir Tej Bahadur to the chair ; Dr. Gour seconded and Mr. Abul Kasim and Mr. Purshottamdas Thakurdas supported. They eulogised in glowing terms the services of Sir Tej Bahadur and his eminent ability to guide their deliberations.

Sir TEJ BAHADUR in his address first explained the objects of the Conference. It was intended after mature and deliberate considerations to adopt a well-considered programme regarding our future Constitution, and then to seek suffrage of the electorate upon distinct issues, so that their plan might have the support of the largest number of electorates. On this basis it might then be necessary for them to devise means, whether by holding a Convention or otherwise, to formulate in an effective and authoritative manner the demands of the country or, at any rate, of the enfranchised portion of it and to adopt suitable methods for the achievement of those demands.

Dr. Sapru pointed out that the promoters of the Conference were not so rash as to think that they could within two or three days draft the Constitution and present it as an accomplished fact.

No one was more alive than himself to the inherent dangers of such an undertaking. He said: "I know and I realise that constitutions cannot be made in the course of a day, and I am sure you also realise that in regard to political constitutions nothing is more dangerous than to attempt at tampering with them on *a priori* grounds. We must come into touch with realities, take a full view of the present situation, bear in mind the historical background of such a constitution as we already possess, take stock not only of the sentiments and feelings of the people, but also of the social and economic forces which surround them, and, above all, such alterations as we may suggest or such demands as we may make, must not only reflect our mature and deliberate views but also have the support, if not of the largest number of people, at least of the largest number of electorates." Dr. Sapru hoped that if the Conference resulted in nothing more than furnishing a rallying centre to the constitutionalists in the country, their labours would not be in vain.

Touching the subject of the Reforms in operation, Sir Tej Bahadur referred to the decision of a considerable number of those who had hitherto boycotted the Reforms to enter the portals of the Councils, and welcomed this shifting of the ground as the vindication of the Liberals' point of view. Regarding Reforms he did not think that the threat of wrecking them was serious, and from his knowledge of the inside working of the Govt., he considered it entirely out of the question. The threat was a line of conduct which every opposition must adopt, whatever be its political label. "But I refuse to believe that even measures calculated to do good to the country or to assist it in its advance towards Self-Government will or can be opposed merely because the present Constitution does not amount to complete Self-Government."

Dr. Sapru continuing said that the August Declaration was an accomplished fact, and no English Government would, he thought, be at any time guilty of the supreme folly of going back on that declaration. The only question in which the country was therefore interested was as to when that pledge given in the declaration was going to be fulfilled in its entirety. To him it appeared that there was nothing in section 84A of the Government of India Act to prevent a Commission coming out earlier to examine the Constitution. The Legislative Assembly accordingly asked for a further advance, but the Secretary of State's reply had caused a widespread disappointment in the country. The present position was that they had a partial element of responsibility in the Provinces while none in the Central Government. Financial stringency of the most acute character had been facing both the Central and Provincial Governments and the failure of the Pro-

vinces to show better record has been mainly due to financial stringency. "I believe the feeling is growing that Dyarchy cannot endure very long, and even in certain responsible quarters I have found the feeling that the time has come when full Provincial Autonomy should be granted to the Provinces. I hope I am not giving out any secret when I say that even within the last two years I have heard it said by very responsible persons that the present Constitution is such that it cannot last very long. I do not wish to say more about the Provinces. I would much rather that our information with regard to the working of the Provincial Governments and Councils came from the Ministers themselves, but as regards the Central Government, it is quite obvious that the position is exceedingly delicate and unnatural. On the one hand, the Central Government has got to deal with a large non-official majority in the Lower House the growing power of which cannot possibly be ignored; on the other hand, it must perforce submit to the direction, control and superintendence of the Secretary of State. A Government, situated as the Central Government is, cannot be in a very enviable position, and it is for responsible authorities in England to consider whether they will prolong this system of Government which, if the truth were told, affords as little satisfaction to those who have the responsibility of the administration put on their shoulders as to the people of the country."

Sir Tej Bahadur Sapru next examined arguments adduced against further advance. He admitted that heavy responsibility lay on their shoulders for educating the electorates, and in reply to the question whether the electorates were sufficiently advanced for the Reforms introduced in 1919 said: "The truth of the matter seems to be that having regard to the peculiar position of India, it is impossible to make the education of the electorate, in the sense in which this phrase is used in the West, an absolute condition precedent to all political advancement. It appears to me that we must take the country as it is, and if there is any seriousness about the idea of Responsible Govt. in the country, then the development of our political institutions and the education of the electorate must go hand in hand. To postpone the establishment of full Responsible Govt. in this country until the electorates have been thoroughly educated may and will amount to waiting indefinitely, and I venture to think that the dangers in this policy of procrastination will be by no means less great than the risks which a policy of courage must necessarily involve. Indeed, it seems to me that the dangers in a policy of procrastination are perhaps greater. In the first place, it seems to me that the energies of the people which could be diverted into useful channels of constructive work are being and will continue to be dissipated in a

struggle which provokes and excites unkindly feeling on both sides, and creates an atmosphere of suspicion, which is wholly detrimental to the good relations between the two countries. In the next place, the longer the period of probation the greater is the chance for extreme views to grow and spread. In the third place, divided responsibility in the Provinces and no responsibility in the Central Government can neither be a fair test of the capacity of Indians, nor can it develop that sense of administrative responsibility among them without which no Government can render a good account of itself. As matters stand at present, all responsibility for everything that goes wrong in the country is cast, and, I am afraid, will continue to be cast, upon the British Government, and instead of people applying themselves to consolidation and strengthening the elements of stability easier and more seductive methods of destruction will continue to suggest themselves to impatient minds."

Sir Tej Bahadur Sapru then said that he was aware that for the successful conduct of Self-Government they must solve certain internal problems-- whether the solution of those problems came with the establishment of Self-Government or before, they did undoubtedly call for solution. For instance, the problem of minorities must be approached now from a new angle of view inspite of the vaunted Hindu-Muhammadan *entente*. The fact was that except when it came to a common attack against the British, the old element of distrust between the two communities appeared on the surface. Now, again, he believed that genuine understanding between the two communities lay at the root of all future progress. The problem of the minorities, if and when tackled, should be dealt with in the light of actual facts and not on philosophic or metaphysical basis. Similarly, if they could assure the Englishman in India that his interests in a Self-Governing India would be as in the past, the Englishman would also play a creditable part in the development of India as a Self-Governing member of the British Commonwealth.

#### The Public Services.

Touching the question of the Public Services, Sir Tej Bahadur Sapru said that the present system could not continue for long and the position of the permanent services in India must be approximated to that of the permanent services in England and in the Colonies. The question was essentially one of future recruitment. Who wanted the Royal Commission? If it was meant to redress the grievances, it was an unnecessarily cumbrous and expensive procedure; but if it was to solve the problem of future recruitment, then it seemed to him that that question could not be tackled independently. On the question of constitutional advance he believed that even in Self-Governing India the English Public Servant would play a considerable

part, though not enjoy his political part. He felt that those who were alarmed at the paucity of English youths coming to India forgot that at least for the next 25 years there was no fear of the English element disappearing from the Services of this country. He hoped that the Indian Public Servant would not claim the scale of pay essentially fixed for the foreigners. Similarly, with regard to the Indianisation of the Army, he was conscious that the process must make a large order on their patience, but a real beginning on an adequate scale with definite and reasonable programme must be made. "It will only when India is able to defend herself that she will have real Self-Government, but until that day arrives there is no reason why regarding ordinary civil administration the Central Government should not be made independent of the control of the Secretary of State and be made answerable to the Legislature, and why at the same time the Provinces should not receive a full measure of autonomy."

Concluding Sir Tej Bahadur Sapru said that their goal was Dominion Status with a Parliamentary form of Government, which was the only form of representative Government known at the present moment. On those who wished to depart from that form of Government lay the heavy onus of proving that their alternative was a better one. Originality in political constitution was not always to be commended. The more they expressed doubts on the expediency or desirability of Parliamentary form of Government, the more they laid themselves open to the charge of instability. It might be that for some years to come the Government would be conducted by the educated classes, but it was inevitable that, with the enlightenment of the masses, the mandate must ultimately come from the masses themselves. If the educated classes used their power only to promote their own ends, well-deserved nemesis would soon overtake them. He warned them against the strengthening of the reactionary forces in England by loose talk of India going out of the Empire. Such talk did positive injury and harm to the cause of India's progress. Once they all accepted the Dominion Status as their goal they could bring utmost pressure on the Government here and in England. To those who asked as to what they would do if their constitutional methods failed he asked a counter question: What would those who differed from them do if their methods failed? Constitutional methods might involve delays. They might not bring quick return, but they were the only methods open to them, and, after all, tracing the history of political agitation back to 1885, could they say that constitutional methods had altogether failed? He maintained strongly that in demanding Dominion Status and in hoping for it their position was infinitely stronger now than a few years ago. He therefore hoped that if they could settle their differences and make an unequivocal and

clear demand for raising India to the Dominion Status at an early date, their demand would not and could not go unheeded.

### MR. SASTRI'S SPEECH.

In the absence of the Rt. Hon. Mr. V. S. Srinivasa Sastri, his speech on "Our Plan for Swarajya" was read at the Conference by Mr. Jamnadas Dwarkadas. Mr. Sastri said that the present stand-still in India and the tendency on the part of the Secretary of State to tighten his grip on Indian affairs were only the manifestations of an essentially human quality, namely, to act only under compelling pressure. When the British Government professed to weigh carefully the capacity of Indian electorates or the virtues of their representatives or assess with scrupulous exactitude the precise proportion of the higher Services which must be occupied by the British element, they were thinking all the time: "How best can we keep and how little need we yield?" Indians, on their part, must be ready at all times to produce their testimonials and title-deeds. They must manipulate the political forces of the country so as to be able to exert at any given moment all the constitutional pressure of which they were capable. It was their conviction that the power to exert constitutional pressure was exactly measured by the progress they made under the present Constitution, by the use to which they put their new privileges and opportunities, and by the prosperity and strength which they built up for their Nation. That was the reason why they could not afford to countenance even for a moment the morbid cry: "Paralyse the Government, paralyse the Administration and paralyse all National work till Swaraj is attained." "We part company decisively from those who have no use for the current Constitution and the Legislatures created under it, whether they profess to boycott them or seek by entering to destroy them. We insist on our allies having faith in these institutions, no matter whether the faith be large or small."

Proceeding, Mr. Sastri said that by its failure to take action not requiring the approval of the Parliament in furtherance of the Reform Scheme, the Government had lent justification to the attitude of suspicion and distrust. As both Mr. Montagu and Mr. Fisher had stated in Parliament, there was nothing in the Government of India Act to preclude a comprehensive enquiry within the first statutory period. It was a common ground among Indian Progressives that complete Provincial Autonomy should be included in the next move towards the goal of Responsible Government and that the Central Government must be made responsible to the Assembly except in regard to military, political, foreign and ecclesiastical departments. Military policy, like the position of Indian States, must be left to the personal conduct of the Governor-General, the military expenditure being, however, made an item votable by the popular Chamber.



Now that the Secretary of State had refused to take action pursuant to the Assembly's resolution of September, 1921, what was the best means of attaining the end in view? "Regular constitutions laid on democratic lines are based in the last resort on the will of the people as disclosed at a general election. Large measures cannot be undertaken by a Parliament which has no mandate for the purpose, and where there is such a mandate nothing should ordinarily come in the way of its fulfilment. Now that India has a constitution based on direct popular constituencies, however rudimentary it may be, a forward move in the direction of democracy must be based on the desire of the constituencies as expressed at the next election. Of course, in the Provinces a number of local issues will complicate matters. The election to the Legislative Assembly, however, can be fought on a clear and simple issue, viz., the acquisition by peaceful and constitutional methods of complete Provincial Autonomy and of responsibility in the Central Government exclusive of defence and foreign affairs. The majority of those elected to the new Assembly and new Councils having received such a mandate, the next step would be to elect representatives from themselves to an All-India Convention. It would be well if the Assembly and the Councils did so at a regular session convened by the Governor-General or the Governor. Should, however, the countenance of the Executive be not forthcoming, it would be well also, though not so well, that the legislators in each place who respected their mandate should not be deterred by official displeasure, but should meet of their own accord and bring about the All-India Convention. The duty of this Convention would be to propose the precise steps necessary for the purpose of fulfilling their mandate, which is the attainment of Swaraj as qualified above. My personal bias is towards building on the present Constitution and I should, therefore, favor introducing modifications into the present Act so as to convert it into an Instrument of Responsible Government. If possible, however, the Convention may prefer to indicate the outlines of a distinct Constitution. The important thing is for its proposal to be published broadcast in the country. When sufficient time has been allowed for public criticism and suggestion, the Convention would meet again, revise the proposals and formulate them finally. A small deputation of leading men from different parts of India would then be supported by the Convention to take the proposals to Great Britain and negotiate with His Majesty's Government. Concluding, Mr. Sastri said he would not listen to the advice of those who would back up the deputation of the Convention by threats of labor troubles, students' strikes and civil disobedience. Constitutional agitation, he emphasised, had been rewarded before and would yet be rewarded.

### Resolution

Sir Tej Bahadur Sapru then moved the following resolution :—

"That this Conference, composed of the elected members of the Indian and Provincial Legislatures and Local Boards, of representatives of political organisations, and of public workers, recalling Your Majesty's Gracious message to the Reformed Indian Legislature that it was the beginning of Swaraj within Your Majesty's Empire, meeting to expedite its coming for the strengthening of the ties between Great Britain and India, lays its homage at Your Majesty's feet."

The resolution was carried with acclamation. The Conference then rose for the day.

### Second Day

Next day, Feb. 13th, the National Conference re-assembled at 11 A.M. to discuss the outline of the programme of the Constitutional Reforms placed before it by the Provisional Executive Committee. Mr. RANGACHARIAR opened the discussion by explaining the scheme sketched on the agenda. Then followed a series of speeches which showed that a good deal of confusion existed regarding the specific objects of the Conference. Mr. Rangachariar emphasised the fact that the basis of any scheme they discussed must unalterably be that India would remain within the British Commonwealth, and that their Constitution must be evolved on the basis of the existing Constitution. Keeping these in view, their scheme of Government should be decided upon. The position of the King would be recognised as in the case of other Dominions. The Government of India would consist of the Governor-General and his Cabinet responsible to the Legislature. There should be no Dyarchy or division of responsibility in the Central Government. The Legislature should continue to consist of the Council of State and the Assembly. That the Upper Chamber should have no power over foreign affairs would come as a necessary corollary when Dominion Status was achieved. In regard to the relation of the Government of India with the Indian States, they should elicit public opinion, especially in the States, and this question would have to be dealt with only by a Convention in 1924. The Army should remain under the control of the Viceroy, but should be taken over as soon as the Indianisation of the Army was complete. As for the Navy, India would abide by the decision of the Empire as the question of Navy was an Imperial issue. They should have a Supreme Court in India and it should be judicially independent. The question of minorities also required deep consideration. The Provincial Government should be made fully autonomous with the Executive responsible to the Legislature. Mr. Rangachariar added that as all these questions were complicated, Committees should be appointed to investigate on certain definite questions and then report. These subjects included :  
(1) The examination of the working of the Reforms, both in the

Provinces and in the Central Government, to see where the machinery had failed, where it required attention, and how far the present Constitution could be used to advantage. (2) The examination of the problem of Defence with a view to lay down a programme for the Indianisation of the Army. (3) The demarcation of powers between the Central and Provincial Governments. (4) Indianisation of the Services. (5) Finance and Taxation. (6) The Constitution of the Supreme Court. The reports of these Committees should be submitted to the Central Council representing the Conference. Mr. Rangachariar, concluding, again laid stress on the fact that they were aiming at evolving a constitution which might dispense with the necessity for any Statutory Commission to come out to India.

Mr. GINWALLA pointed out that instead of drafting a new constitution it would be well first to exhaust the possibilities of the Government of India Act. Britishers were a practical people and would not listen to a demand for more unless they were satisfied that that which had already been given had been fully utilised. They must also specially examine the present position of the Secretary of State, and also consider as to what would be the attitude of their Federal Government of the future to those Provinces like Burma which might desire to secede. Dr. Sapru and Mr. Rangachariar, in reply, made it clear that the Conference was not convened to draft a constitution but only to explain the aims. Dr. Sapru said that, in fact, the object of the Committee to be appointed to examine the working of the Reforms was to explore the possibilities of the Government of India Act and how best to utilise them. They had omitted to mention about the Secretary of State because the name of the Secretary of State for Colonies had no place in the Constitution of any Dominion.

Prof. Shahani pointed out that the question of all questions, namely, the fixing of the time-limit for Dominion Status, appeared to him to have been left out studiously, and they must include it in their programme.

Mr. J. N. Mukherjee said that they should make pointed reference in their programme against the interference of the British Parliament.

Mr. J. Chowdhuri observed that the object of the Conference was that in future a duly authorised Convention should meet to draft a constitution and present it to the English Government for acceptance, as Australia did.

Mr. Gokarnanath Misra confessed that he was confused as to what he would carry to his constituency, as the result of the Conference, to ask for their votes.

Mr. Lallubhai Samaldas said that he, as a member of the Council

of State, felt that if they wanted a Bicameral Legislature they must give the Council of State power over purse, otherwise they should decide for its abolition.

Dr. Gour said that they should force the hands of the Secretary of State to carry out his promise of expansion of the Reforms Act by giving up his power of superintendence, direction and control in favour of the Government of India who in turn should grant complete autonomy to the Provinces. The Act provided for such a devolution of power.

Mr. Abdur Rahim, Khan Bahadur Sarfraz Khan and Sardar Gujjan Singh pointed that the most important of all the problems was the settlement of the position of minorities. Unless they tackled that the first efforts in other directions would be futile. Muhammadans, Sikhs and other minorities wanted first and foremost the safeguarding of their rights.

Mr. B. N. Misra (Orissa) urged that the Provinces should be re-arranged on a linguistic basis. The Oriya speaking people should be combined in one Province.

Dr. Besant made it distinctly clear that the Conference would only lay down the objects in view, and it would be for the Convention to decide whether for achieving those objects there would be necessity for a brand new constitution or whether these could be achieved by the expansion of the existing constitution.

Mr. Jamnadas remarked that they should settle the broad outlines of their demands on the basis of which they ask for the mandate of the electorate, and if they secured the confidence of the majority, they should then meet and draft a constitution after due deliberation.

#### Resolutions—Plan of the Reforms.

The Conference next proceeded to frame resolutions covering the outline of Reforms as sketched by the Executive Committee and modified in the light of general observations made by several speakers. When the resolutions were being put to the Conference, Mr. Joshi and some others objected to their being committed to the Plan without its being examined in detail by the Conference, but as it was considered necessary to show the results of the Conference in the direction of giving a lead to the country, a solution was reached in so wording the resolution on the Plan of the Reforms as to make it clear that it was being issued for electoral purposes and also as forming the basis for discussion by the Sub-Committee appointed to investigate and report on the subject. The first resolution adopted by the Conference laid down their goal in the following terms :—

I. That this Conference is of opinion that with a view to enable India to attain Dominion Status, the control of the Secretary of State over the Governor-General-in-Council should be removed. Responsibility in the Central Government should be established at an early date in regard to the Civil Department, the control of the Army and Foreign Policy being retained in the hands of the Governor-General until India is able to take control of the Army and Foreign and Political Affairs, and full autonomy should be carried out in the Provinces.

The next resolution appointed the personnel of the Sub-Committees. It runs :—

II. That this Conference appoints the following Committees, each with power to co-opt three members, that these Committees so appointed shall submit their reports to the Executive of the Conference and the latter shall then circulate them among the members of the Conference and take up steps, if necessary, to call a special session of this Conference at a convenient centre not later than the end of May.

(1) For investigating the constitutional position regarding the working of the present Reforms in the Central and Provincial Governments and for reporting on the time limit for further constitutional Reforms in the Central and Provincial Governments and Army and Navy, and also for examining the position of minorities in respect of representation in Legislatures and Public Services.

Dr. Sapru pointed out that an important part of the investigation would be the examination of the present Constitution to see where it could be amended to achieve the desired object.

The Committee will consist of Sir Tej Bahadur Sapru, Mr. T. V. Seshagiri Aiyar, Rao Bahadur T. Rangachariar, Mr. B. S. Kamat, Dewan Bahadur Ramachandra Rao, Messrs. P. P. Ginwalla, Harchandrai Vishindas, Bhai Mansingh, Abdul Rahim, Braj Sundar Das and Principal Rudra.

(2) The Committee on Defence :—Sir Sivaswami Iyer, Munshi Iswar Saran, Sir Devaprasad Sarvabhikari, Sardar Gulab Singh, Prof. Shahani, Khan Bahadur Sarfraz Hosain Khan and Mir Asad Ali.

(3) Committee on the Indianisation of the Services :—The Rt Hon. V. S. Srinivasa Sastri, Maulvi Abul Kasim, Messrs. G. S. Khaparde, Hridaya Nath Kunzru, Dewan Bahadur Govindaraghava Iyer, Rai Bahadur Subramaniam and Sardar Gajjan Singh.

(4) The Finance and Taxation Committee :—Messrs. Purshottamdas Thakurdas, V. G. Kale, Jammadas Dwarkadas, Sir Dinshaw Petit, Sir Ibrahim Rahimtoolah, Venkatapati Raju and K. C. Neogy.

(5) The Committee on the Supreme Court :—Dr. H. S. Gour, Messrs. Gokarnanath Misra, J. N. Mukerjee and J. Chaudhuri.

III. This Conference is of opinion that the following Plan of Reforms be placed before the electorate and that it be also referred to the Committees to be appointed by the following resolution for the examination of questions of detail and of methods for carrying out the programme :—(1) That the Government of the Commonwealth of India, in the exercise of its executive, legislative and judicial functions, shall comprise :—The executive : (a) The King, (b) The Viceroy and the Governor-General with his Cabinet, (c) The Governors with their Cabinets ; the Legislative : The Federal and Provincial Legislatures ; the Judicial : The Judiciary.

(2) The Federal Government shall comprise : (a) The Viceroy and Governor-General, (b) the Viceroy's Cabinet responsible to the Legislature, (c) an elected Legislature, (d) a Supreme Court.

(3) That the Provincial Government shall comprise : (a) The Governor, (b) The Governor's Cabinet responsible to the Legislature, (c) an elected Legislature, (d) High Court.

**Foreign Affairs :** When India is a Dominion, she will obtain automatically all the new powers which the other Dominions obtain.

**Army and Navy :** Under the control of the Viceroy, but to be taken over by the Dominion as soon as the Government is ready to assume the responsibility.

The fourth and the last resolution related to the organisation of bodies to carry on the work of the Conference. It runs :

IV. That the organisations representing the Conference shall be : (1) A Central Council, consisting of the Convening Committee with power to co-opt and with Sir Tej Bahadur Sapru as the President ; (2) an Executive Committee, elected by the Conference, with the Rt. Hon. V. S. Srinivasa Sastri as the Chairman of the Council, Jamnadas Dwarkadas, M.L.A., as the Treasurer, and Dr. Annie Besant as the General Secretary.

The Executive Committee of 36 members was then elected.

### Conclusion of the Conference

When the business on the Agenda had been disposed of, votes of thanks were passed on Dr. Sapru and Dr. Besant. Dr. Sapru, acknowledging, warmly eulogised Dr. Besant's services to India. She it was who had first introduced the Home Rule cry in Indian politics. Reviewing the work of the Conference he felt satisfied that they had made a small but earnest beginning which, if successful, would make him rejoice, but if unsuccessful would not disappoint him. He knew the difficulties of getting more, but had joined the movement as it was a movement for further advance and justice of their claim. He would have a democratic Government which, though less efficient than bureaucratic administration, would give satisfaction to the people. He asked them not to be deterred by arguments of their inexperience or inefficiency, as these would always be advanced against them. Advance must be granted, because the present position could not continue long. He emphasised the fact that one of the main tasks of the Investigation Committee on the constitutional position would be to examine the position of the Government of India Act with a view to report where it need to be amended to meet their object. They should carry to their constituencies the plan outlined by the Conference and ask for their mandate.

Dr. Besant also acknowledged in eloquent terms the thanks offered to her. She had the greatest faith in the future of India, which, she believed, would evolve a pattern of democracy unknown to the western world. The Conference then concluded its session.

## The National Convention

As this National Conference has since made slow but steady progress as a separate political organisation, it is necessary here to give a short account of its origin. The first semi-public step towards the Conference was taken on Feb. 8th, 1922, in the political section of the 1921 Club, Madras, when it was proposed that a National Convention should be called after the elections of 1923. A month later this was discussed and finally approved. The discussion was then taken up in *New India*, Mrs. Besant's organ, by the Rt. Hon. V. S. Srinivasa Sastri, Mr. C. P. Ramaswami Aiyar, Advocate-General of Madras, and others, and in July it was resolved that Indian Constitutional Reformers should formulate a proposal for a scheme of Home Rule, including complete Provincial Autonomy and responsibility in the Central Government. A circular was accordingly drafted and circulated among parties committed to Constitutional Reform, and was largely reproduced in the Press all over India, and met with considerable approval by the Liberals and much ridicule from the N.-C.-O.s. In September 1922 a number of members of the Central Legislature at the instance of Mrs. Besant approved and elected an Executive Committee to collect signatures to a letter convening a conference of representative persons in Delhi, to meet early in the next session of the Indian Legislature, to discuss the desirability of holding "a Convention, formed on essentially non-party lines, consisting of members of the Indian and Provincial Legislatures, such Convention having power to co-opt non-members of the Legislatures"; such Convention should "formulate a scheme of Responsible Government," i.e., complete Provincial Autonomy, and a Cabinet responsible to the Indian Legislature for the Civil Government of India. It was further proposed that a mandate for this should be sought from the electors at the elections of 1923, an educative propaganda being carried on upon the outlined points.

From September 1922 to February 1923 preparation for the Conference was carried on. The invitation was finally signed by 143 members of Legislatures, 33 elected and nearly all official members of Boards, 70 members of political associations, and 19 well-known public workers. The Conference finally met at Delhi on February 12th and 13th as given in the previous account. An electoral programme was set up to educate the electorate on these general principles which should give India Dominion Status abroad and Home Rule at Home: that the mandate of the electors should be sought for the calling of a Convention to embody these principles—whether by a new written Constitution, or by deleting the limitations in the present Government of India Act, and amending it so as to give Dominion Status, was left

to the Convention. The Conference further appointed five Committees to issue literatures on the Reforms—including the work by the Legislatures during the last three years—Defence, Indianisation of Services, Finance and Taxation, and Supreme Court. It elected the Convening Committee at its General Council with Dr. Sapru as President, Dr. Besant as General Secretary, and Mr. Jamnadas Dwarkadas as Treasurer; also an Executive Committee. The latter met and decided to leave the Provinces free, either to form Provincial organisations, or to work through existing organisations and also to obtain the co-operation of existing organisations in the United Kingdom and the Dominions in carrying the Conference programme to fruition. The work of organisation and education was then vigorously carried out, and Delhi, Bombay, Madras, Bihar and Orissa became new centres of work on this line. The Reforms Committee compiled valuable and exhaustive statistics of work done in the Legislatures. These were printed and sent out as finished to "National Conference supporters,"—persons who paid Rs. 16 for all publications of the Conference during the year, including a monthly *Bulletin*. The object of this work was 'to explode, beyond possibility of repair, the N.-C.-O. pretence that the Legislatures have done nothing.' By the middle of 1923 the Conference Executive approved the following pledge to be offered to every candidate for election of every party.

#### National Conference Pledge

I pledge myself, if elected, to help in the calling of a National Convention, to be composed of elected members of the Legislatures (with power to co-opt) who have received a mandate to frame a Constitution for India, embodying the Dominion Status, that is, which shall place her on an equality with the other Free Nations in the Commonwealth in her external affairs, and shall establish within India a Federal (Central) Government and Provincial Governments, each with the King-Emperor's representative at its head, with a Cabinet responsible to an elected Legislature, and with a Judiciary; also with power to amend such Constitution at any time, and including such transitional arrangements as to the Army and Navy as will bring them under the control of the Federal Government; further, providing for powers of amendment to the Constitution, similar to those possessed by the Dominions; and providing also for such transitional arrangements as to the Army, Navy and Air Force as will bring them under the control of the Central Government, when that Government declares its readiness to assume responsibility for the defence of the country.

The work of the organisers was carried silently beyond the range of popular eye, and so the results achieved by Mrs. Besant and her co-workers did not earn that degree of recognition from the public that they undoubtedly merited. But the idea of the Convention was steadily kept before the public by Mrs. Besant's paper, though no definite advance could be made till the year following, an account of which will be found in the next issue of the REGISTER.



## The U. P. Resignations

The greatest sensation in Liberal circles and an affair which served to give a new orientation to their politics was the sudden resignation of the Ministers of the U. P. Government in the earlier part of 1923. The Hon. Messrs C. Y. Chintamani and Pt. Jagat Narain were Liberals who had opposed the national war-cry against the Reforms and had undertaken to work them for all they were worth. Their sudden resignation as Ministers under circumstances which clearly showed that they were intended by the Government to remain under the thumb of the I. C. S. autocracy, and its matter of fact and chilly acceptance by the Governor, dispelled the last optimistic vision of the Liberals of what they had hoped the new Government of India Act to produce. The facts are as follows :—

Sir Claude De La Fosse, the official Vice-Chancellor of the Allahabad University, was involved in some shady transactions in which large sums of money belonging to the University changed hands, and some senators, amongst whom the names of Pt. Iqbal Narain Gurtu and Nanak Chand Sharma stand prominent, were alleged to have made defamatory statements about him. Sir Claude saw the Governor and the Chief Secretary, and to vindicate his honour forthwith proceeded to institute criminal proceedings against his traducers. A high European officer that he was, he thought it beneath his dignity to dispel the rumour by taking the senators into his confidence or to consult the Minister of Education (Mr. Chintamani) about the matter. He calmly ignored the Government Servants' Conduct Rules which required all officials to take permission from their departmental heads before the institution of any proceedings in Court. Sir Claude did not deem it necessary to take the necessary permission from the Minister. On this the latter protested, but the Governor made light of it and upheld the conduct of Sir Claude. In his correspondence with the Governor, Mr. Chintamani pointed out that the prosecution would not only 'extremely weaken the position of the transferred half of the Government,' which was however, not of so much importance, he said, as the 'fear that I entertain that it will lead to a serious deterioration of the political situation in the province.' The considered advice of such an experienced political leader as Mr. Chintamani, who was also the constitutional adviser of the Governor, ought not to have been lightly treated, but Sir William Marris was not clear about

'the larger reverberations which hon. Minister of Education fears.' He could have very well clarified his mind by a discussion with the Minister but perhaps he thought that it was useless. He not only ignored the advice of Mr. Chintamani but even justified in an offensive manner the action of the Vice-chancellor in ignoring the Minister. The Governor, while studiously avoiding consultation or discussion with Mr. Chintamani, was in intimate, almost constant, touch with Sir Claude De La Fosse in the whole affair. The Governor made no attempt to reach an understanding. Mr. Chintamani was kept in the dark about the whole affair so far as the Governor and the Vice-chancellor were concerned. Twice Mr. Chintamani, on the 5th and 8th April, made attempts to approach the Governor with a view to talk over the affair but he failed. And yet no sooner was the resignation received by the Governor than it was accepted. It was received on the 24th April and accepted on the same date.

#### The Correspondence.

On May 2nd the U. P. Government issued a lengthy press communique regretting the resignation of the two Ministers and publishing twenty-four letters which explained the circumstances that led to the Ministers' resignation. From the first three letters it is apparent that previous to giving the sanction to Sir Claude De La Fosse to sue Pandit Gurtu, His Excellency had a talk with the Pandit on 3rd April and on 4th the Pandit sent a letter to the Private Secretary to His Excellency. The Private Secretary communicated the contents of the letter to the Vice-Chancellor with the following note :—

"I am desired by His Excellency to send you the copy of a letter dated April 4 from Pandit Iqbal Narayan Gurtu and to say that his letter is the outcome of His Excellency's talk with him last evening. The Governor will not comment on it but if you feel that you wish to take further action then Sir William as Chancellor does not wish to interfere with your doing so."

Soon after, Sir Claude filed the defamation suit at the court of the Additional District Judge, Allahabad. And on the 7th April Mr. Chintamani addressed the following letter to His Excellency :—

"I would respectfully invite His Excellency's attention to the fact that in connection with the action at law taken by Sir Claude De La Fosse against Pandits Iqbal Narayan Gurtu and Nanak Chand Sharma, so far as I am concerned, no application for sanction to have recourse to a court has ever been received. I do not know whether such an application was submitted to His Excellency direct. If it was, I certainly was not informed of it directly or indirectly. I last saw the Education Secretary on the 4th instant. He did not tell me

anything. I shall be grateful for any information that His Excellency may be pleased to let me have."

In reply His Excellency sent the following note to Mr. Chintamani—

"No application for sanction was made to me and the Secretary has reminded the Vice-Chancellor of the existence of the rule to which the Hon'ble Minister referred (copy of letter enclosed). (2) The Vice-Chancellor recently informed me as Chancellor that untrue stories affecting his personal honour were current in University circles and stated that he had information which he believed that two members of the Court had given them currency. He added that he could not possibly vacate the office without first vindicating his character. With this last remark, I, as Chancellor, absolutely agreed. I then discussed, as Chancellor, with him what course would be in the best interests of the University in the hope of avoiding resort to the courts of law.

I considered carefully (1) the possibility of holding some investigation by a committee appointed by me as Chancellor to examine the facts of the Vice-Chancellor's action and whether the alleged statements about him had been made. I rejected this idea for reasons which will readily suggest themselves, viz., the impossibility of arming the committee with legal powers or of giving due authority to its finding. (2) The possibility of getting the two members to state to the Vice-Chancellor that they had never entertained or encouraged doubts as to his personal probity and had made no statement casting doubt upon it. With this purpose I saw Mr. Gurtu and asked him to consider the possibility of making such a statement as the Vice-Chancellor was likely to accept and publish it as satisfactorily vindicating his personal character. Mr. Gurtu, with the concurrence of some of the other members of the Committee, sent me a letter which I communicated to the Vice-Chancellor. I refrained from comment now. The Vice-Chancellor apparently was not satisfied. I hear that he has taken legal proceedings.

(3) Looking at the matter as Chancellor, I knew and still know of no other way open to the Vice-Chancellor, who considered that his personal honour had been called in question on the eve of his retirement from office, of endeavouring to clear himself. I did not accept his story or test his evidence holding that that was not my business. It was sufficient for me to know that the alleged statements, if made, were serious and that the Vice-Chancellor undoubtedly believed that they were made. I did not therefore see any sufficient reason why I, as Chancellor, should endeavour to deter him from the course which he was advised and desired to take.

(4) As regards the Government Servants Conduct Rule, while I do not wish to prejudice the decision, I may as well note the view I am disposed to take. I am disposed, as Governor, to think that if there was a breach, it was not a very grave one. The Vice-Chancellor is no doubt a Government servant lent to the University. For all I know to the contrary, the alleged statement may relate to a period before he was lent to the University. But the alleged statements, if I understand aright, if made, were made in connection with a recent inquiry to which the Vice-Chancellor as Vice-Chancellor was a party. The subject matter is purely a University matter and the parties are primarily University parties.

His Excellency's letter continues :

If I remember rightly, the main reason for the Government Servants Conduct Rule is that the Government should have an opportunity of judging before the proceedings are launched how far its own policy and doings are going to be canvassed in the Courts. That consideration does not here arise. The action of the Government is not even indirectly in question. The honour of a Chancellor

Government servant is said to be in question. Therefore, if in order to clear himself in the courts, which he considers to be the only means open to him, it is held necessary that the sanction of the Government should be obtained, I shall myself be disposed to hold, without attempting to go into previous relations between the parties or examination of evidence or reference to Government Legal advisers, that permission should be given unhesitatingly.

On the next day, 8th April, the Private Secretary to the Governor sent a letter to Sir Claude which, amongst other things, stated :

"You will readily understand that when as an outcome of the discussion His Excellency the Governor decided to leave you the discretion to take such steps as you think fit, that decision expressed his own view of the matter as the head of the University. It did not and obviously could not obviate the need for the permission of the Local Government to your taking legal proceedings. He thinks that you should without delay apply for the required sanction."

On the 8th April Mr. Chintamani addressed a long letter to His Excellency the Governor in which he said *inter alia* :

"I note with pleasure that His Excellency has now drawn the attention of Sir Claude De La Fosse to the necessity of applying for sanction. I would however beg leave to point out that there are obvious disadvantages in *ex post facto* sanction, apart from the point that Sir Claude De La Fosse might have shown me the courtesy of speaking to me about this matter before taking such a step. I feel that in a matter of this character where on one side we have a public servant anxious to vindicate his honour and probity and on the other two public men of recognised position in the public life of the province, who have disowned any such intention as is attributed to them. I think it should not have been impossible to bring influence to bear on both parties, so as, on the one hand, to secure ample vindication of the honour and good fame of the officer concerned and, on the other, to remove such misunderstandings as naturally arise when stories pass from mouth to mouth, but I am afraid that Sir Claude De La Fosse has in haste taken an ill-advised action when there were other ways open to him to achieve the object he has in view which he has not availed himself of. Sir Claude De La Fosse has either ignored or refused to take the advice of the Ministers who would have been only too happy to do all they could to get him satisfaction for such wrong as he thinks has been done to him, and has not even complied with the formality of applying for sanction for taking this step."

In the same letter Mr. Chintamani made two proposals that Sir Claude De La Fosse may be asked to apply for a postponement of his case and that an earnest effort should be made to reach a settlement out of Court.

#### Governor's Reply

His Excellency the Governor sent a note in reply the next day. The note mentioned : "I do not at all like this litigation chiefly because it will do the University no credit in the eyes of the world and will, as the Hon'ble Minister for Education says, impede its future administration. But the worst of all would be not to get to the bottom of the matter and to leave any basis for future stories. The fact that rumours of the Vice-Chancellor's being bribed could be even entertained in the University circles came upon me as a shock and I felt and feel that

on all impersonal consideration, both for the Vice-Chancellor and for the University, the falsity for such rumours is to be established beyond question. For I want to make it clear that, while I express no opinion as to the alleged statements that are the subject-matter of the legal proceedings, I personally believe the Vice-Chancellor's personal statement to me that his hands are clean and I want his probity to be made clear to the world. I am sorry to differ, but I am not prepared myself to put pressure on him to stop the proceedings. We have no legal power that I know of to do so and I am not willing to strain the executive authority of the Government any more than I thought it right to use the Chancellor's authority in order to force the Vice-Chancellor to submit to some form of arbitration or settlement."

On the 10th April, the Hon'ble Pandit Jagat Narain sent a note to the Governor expressing the opinion that Sir Claude should have taken Government sanction before instituting the case and that a settlement out of court was preferable. His Excellency in reply expressed regret that he did not share the same views.

The next day Mr. Chantamani sent a fresh note to the Governor stating that a criminal prosecution for defamation is a rare occurrence. In England, the general practice is Civil suits for damages. The Hon'ble Minister added :—"I am clear in my mind that an explanation should be called for from Sir Claude for not observing rules for the conduct of public servants." In his reply His Excellency the Governor sent the following note :—

"I regret to differ from the Hon'ble Minister. I have already indicated my views generally (1) that this was not a case to which the rule applies strictly. (2) That Government is not directly concerned in the matter. (3) That it is not unreasonable to allow considerable latitude to an officer concerned to defend his reputation. (4) That (as I understand) the Vice-Chancellor's witnesses or some of them were leaving for England and therefore time was important. A lengthy examination of the merits of the case by the Government might actually have impeded his case. I do not know whether, but think it likely that, the Vice-Chancellor's application for sanction in other cases was despatched before this last suit was launched. If so, I am not disposed to take the narrow view that another application was necessary. I adhere to the opinion already expressed that if a breach of rule was committed it was in the circumstances not a serious one. I know that the Hon'ble Minister for Education does not agree and I regret the difference of opinion. But I feel that there is no need to call for an explanation from the Vice-Chancellor of what is really to my mind clear enough already."

### The Resignation Letter.

On April 19th the Hon'ble Mr. Chintamani tendered his resignation and sent a very long note along with it. The note contained amongst other things : "I refrain from attempting anything like a detailed reply to His Excellency's notes. There is always a disadvantage in such a discussion between unequal parties. I will only say

that, while it is my misfortune not to be able to agree in its entirety with His Excellency's notes, it has pained me not a little. It is not difficult to detect in the careful language in which the notes are worded a certain lack of confidence in my impartiality in this matter." This letter was fast followed by one from Pandit Jagat Narain who on April 22nd resigned the office of the Minister on the following ground mentioned in his letter :—

"At the time we accepted office, we decided to act, and throughout we have acted, on the footing of joint responsibility. Therefore I also beg to resign the office of Minister to Your Excellency. I shall be grateful if you could so arrange as to relieve me at the same time as the Hon'ble Minister of Education and Industries."

On April 24th His Excellency accepted Mr. Chintamani's resignation. The following is an extract from His Excellency's letter : "I have received your letter of April 19th and accept your resignation with regret, the more so that the difference occasioning it seems mainly one of method. I agree that the reasons should be published."

### The Ministers & the U. P. Liberals

At the general meeting of the United Provinces Liberal Association held at Allahabad on May 20th 1923, Mr. Chintamani, in reply to an address of confidence of his party, made a weighty pronouncement on current politics. In the course of it he dealt with the question of the resignation, gave an account of the work done by the ex-Ministers in their respective departments, examined the working of Diarchy in the light of actual experience and discussed the subject of the control of services and the need of further reform in the Provincial and Central Governments. Perhaps the most important portion of his speech was that which dealt with Diarchy. He gave two instructive illustrations which brought out its extremely unsatisfactory features. He thus forcefully described the working of the system of Diarchy in the provinces:—

'A system that left it free to the Governor to have joint deliberation or not to have it, to have it at all stages of a subject or only at some stages, to take Ministers into consultation at some stage and drop them out, for reasons assigned or not assigned at later stages, a system under which Ministers and members of the executive Government might be jointly responsible or separately responsible, a system of Government that leaves to the arbitrary will of a single individual this large power, cannot be a sound system.'

The following is a long extract from his speech.—

## Mr. Chintamoni on his Experience of Diarchy

I have spoken of the limitations under which our work has had to be done. What are those limitations? It is recognised by friends as well as opponents that among all public offices that now exist in India there is perhaps none which is more delicate and more thankless than the office of a Minister. At the top there is the Governor, whose relation to his Ministers is not the true relation of the Governor in the self-governing Dominions to his Ministers but the relation of a superior authority in whom much reserve power is vested. Any one who reads the relevant sections of the Government of India Act would naturally conclude that Ministers are accorded greater authority than members of the Executive Council, for the very satisfactory reason that they are accountable to the Legislative Council and can be turned out of office by an adverse vote of the Council, whereas members of the Executive Council are accountable not to the Legislative Council but to higher executive authority. But this impression could be qualified on a perusal of the relevant paragraph of the Instrument of the Governors and it will be still more qualified by a perusal of the rules made under the Government of India Act. It was our experience in 1919 that the drawback of Indian legislation carried through Parliament was that it left a great deal of opportunity for the Executive in India to take away insidiously in detail what the Act conceded openly in principle by the character of the rules which they promulgate under the Act. For this reason the Liberal deputation to England tried hard to get into the Act itself as much as could be conveniently inserted there and to impose certain restrictions on the power of the Governor-General and the Secretary of State in the matter of the rules framed under the Act. Notwithstanding this, let me confess with regret that the rules framed under the Act have actually had the effect, in day to day administration, of taking away something from what the Act conferred in general terms. The result is that the position of Ministers is somewhat less than a perusal of the Govt. of India Act would lead one to suppose. To the extent that opportunity was given to us, we, members of the Liberal Party, opposed in 1920 in the capacity of members of the Reforms Advisory Committee as well as in communications addressed to the authorities in India and in England some of these retrograde rules offending the spirit of the Government of India Act which were drafted by the Government of India. Unluckily we did not succeed and these rules were approved by the Joint Select Committee first and by Parliament next, almost in the form in which they had been drafted at Delhi. I have never had any hesitation in condemning several of these rules as contravening the spirit and intention of Parliament in framing the Act. It is my conviction that in the efforts that we shall make for a change in the present system of Government, we should give a prominent place to an advocacy of an alternation of some of these rules.

### The Finance Department.

I would make special mention of the rules relating to the Finance department. You will remember our opposition to the proposal of the Government of India to set up what was called a separate purse for the reserved and transferred halves of the Government. We opposed it because thereby we would have been deprived both in the Government and in the Legislative Council of powerful opportunities of exercising control and exerting influence over the finance and through it the policy of the reserved half of the Government, and we further opposed it because we were alive to the danger of very inadequate allotments being made to the financing of the transferred departments, upon which inadequate sums of money had been spent until then, and of the consequent necessity that would be imposed on the Ministers of making themselves responsible for new taxation while at the

same time neither they nor the Council would be able to effectively control expenditure on the reserved side. Some of these views prevailed and the separate purse was rejected. Actually, however, when it came to framing the rules it was laid down that the Finance Member must always be a Member of the Executive Council and never a Minister. So long as good relations prevailed, as they did in these provinces in 1921, so long as the system of joint deliberation advocated by the Joint Committee was a living reality here, there was not much complaint. But the moment that yielded place to diarchy in actual working, to a greater or less extent, the moment the outlook of the reserved Government changed for the worse, from that moment onwards the misfortunes of the Finance department being particularly a reserved department began to be felt and it was only by continual struggle that transferred departments were able to get even a large part of the funds required for development. Speaking in the late Legislative Council—as a non-official member, I ventured to say that even the smallest concession which the non-official members were able to extort from Government was of the extraction of a tooth by surgical operation. The maximum effort had to be expended in order to get even an elementary concession from the Government then in power. It may or may not be an exaggeration of the truth if I were to describe by the same phrase the position of the Legislative Council and the Ministers, due to the Finance department having been made a reserved department. The virtual conversion by rules of the Finance department into a reserved department is not only wrong in principle but its drawbacks have emphasized actually in day to day administration.

#### The Powers of the Governor.

I think we should unhesitatingly plead for the emancipation of the Ministers from a great deal of control over them reserved to the Governor. If their responsibility to the Legislative Council is a reality—and no one more than myself had more occasions to believe that it was a reality—it is utterly wrong that there should be so much of controlling power retained in the head of the Government as is the case at present. I have no hesitation in urging, as we all did in 1919, that the relations of the Governor towards his Ministers should be the relations of constitutional Governor as is the case in the Dominions. I will go farther than that.

The time has come for us to inquire whether the system of duality in the Government need be kept up and ought to be kept up. Why was it that we accepted the system of diarchy when the Reforms were under consideration? No one ever professed faith in diarchy as something good in itself. We accepted it only for this reason, and we never made a secret of our position in that regard, that we felt that what was called complete provincial autonomy was unattainable then and therefore it was practical politics to accept the substantial instalment that was proposed to be conceded, to work it for all it was worth and to bide for the next favourable opportunity of taking a new big forward move. The more hopeful among us at the time thought that the present system could get some. The more ardent spirit among us were not willing to wait for some time before pleading for a further instalment. We are now in the position of persons who have actually seen the working of the present system and who therefore can state with more confidence than we possessed in 1919 or 1920 whether we could let the present system continue for some time yet, or whether it was our duty to work with all the energy of which we are capable, to see such a mending of the present system that all its drawbacks might disappear. Now, why should there be diarchy? Does the experience of the last 2 years and 4 months in these provinces or other province—for obvious reasons I speak particularly of these provinces,—tend to show that you have greater efficiency of administration in departments for which Government p



not responsible to the Legislature than in those where there is such responsibility? I do not think there is any one in the province, at all events among non-official public men, more qualified to express competent opinion upon the relative efficiency of the departments in charge of Members of the Executive Council who are not responsible to the Legislature and of departments in charge of Ministers for which there is responsibility to the Legislature than my friend Mr. Hirday Nath Kunzru. I will ask him to say as a result of his close and constant study of the matters relating to every department of the Government, and as a result of daily experience of the Legislative Council, whether he considers the departments for which there is no responsibility to the Legislature are administered either with greater efficiency or with greater economy than the departments for which the Ministers are responsible. I will ask him to say whether even as regards departments of the Indian Member of the Executive Council there has been greater responsiveness to the wishes of the Legislature on the part of those members of Government who were answerable to the Legislature or on the part of the other member who is not so responsible. If the answer to my questions is what I expect it to be, then I would ask you to say how much more this must be the case with regard to departments in charge of the English I.C.S. member who cannot be expected to display national sympathies as an Indian member of the Executive Council can feel and sometimes does profess. I do not hesitate to enunciate several propositions. I deny that the administration of the reserved departments by the Governor in Council has been more efficient or more economic or more sympathetic to the people or more responsive to popular opinion than the administration of any of the departments under Ministers responsible to the Legislature. I take no personal credit to myself. I have rarely known a Government, foreign or national, despotic or constitutional, which has done the right merely because of love of right in the abstract. Government moves under pressure of public opinion. The difference between a wise and a foolish Government is that a wise Government does not delay action until public opinion assumes the form of organised physical violence, while a foolish Government does not read the signs of the times aright and is precipitated into action by actual violence. But I know of very few Governments, and do not exclude even the Government of England from the category, which like to move in the direction of reform only because right or justice requires that they should do so. Naturally, the pressure of public opinion is felt much more by the members of Government responsible to the Legislature than by those members who are relieved of such responsibility. I therefore plead that without any hesitation we can address ourselves to the task of obtaining the abolition of the Executive Councils in the provinces at as early a date as might be and substitute Ministries therefor, so that there may be a unitary Government acting as one body, moved by common sympathies, agreeing in opinion with identical purposes, and collectively and severally responsible to the Legislature elected by the people. I plead that the relation of the head of the Government towards such a Government should be the relation of Governors in the Dominions towards Ministers.

#### Control over Services.

Along with this, and concurrently, there should be a reform of the system of recruitment of the public services and of control over the services. I am ready to accept any measure that might be deemed necessary to give an inviolable guarantee to every officer now in service that the rights and privileges to which he was admitted when he entered service shall be scrupulously respected throughout the period of service and in respect of pension after the conclusion of active service. I advocate no policy that may be described as a policy of spoliation. But no member of the Liberal Deputation admitted in 1919 before the Joint Select Committee, and I admit much less today, that

there is any necessity and any justice for the control over future recruitment of services to be kept up in the hands of the Secretary of State instead of being transferred to the Government and Legislature on the spot. I myself do not believe in the necessity or in the wisdom of maintaining the All-India Services under local Government. Whether radical reforms which will do away with Imperial Services and will introduce recruitment of all services on a provincial basis will come early or late, I cannot tell. That we should work to see that it comes early I have no doubt. But even if there are to be All-India Services for some time yet, I do not admit that Local Governments and particularly Ministers should have so little control over officers of the Imperial Services serving in departments for which the Local Government and Ministers are responsible. I do not admit a catastrophe will overtake the country as a whole, or any particular department, if there is to be such a rapid Indianisation of the Services as to lead to a substantial diminution in the beginning, and a complete stoppage in the end, of recruitment outside India. So far at least as the departments for which I was responsible during the last two years are concerned, I am prepared to make the claim and substantiate the claim before any cross-examining tribunal before which I may find myself, that the administration of those departments can be conducted, from tomorrow morning if you will, with the Indian agency that is now at the disposal of Ministers, without the slightest detriment to efficiency, with a great deal of reduction of cost, and with much more popular satisfaction than is the case at the present day. (Cheers) Along, therefore, with our advocacy of reform in the constitution of Local Governments must go a powerful and sustained plea for a reform of the conditions of recruitment of all the Services.

#### Provincial Tributes.

Thirdly, there must be put an end to the system of provincial contributions to the Central Government. I do not admit that the Central Government cannot carry on without a deficit or without new taxation large reforms in the constitution of the Central Government if our national aspirations are not to be continually frustrated. Sir T. B. Saprú laid it upon the provincial Ministers to speak out their minds as regards the working of the system of Government in the provinces and of the Reforms that ought to be introduced. I will not detain you at the same length with my observations relating to the Central Government as I have done when speaking of the Local Government. I will ask you to forgive me if I go back for a few minutes to the Local Government before saying a few words with regard to the Central Government.

#### Working of Diarchy.

I omitted to make some observations on the working of diarchy. I think the country has a right to expect the Ministers who have come out of office to state their free opinion upon the working of this political experiment. The criticisms of the working of diarchy have come only from public men who have not had to work it from inside but have only watched it from outside. I think it is the duty of the first Ministers who have regained their freedom to state what they think of the system. I said in the first six or seven months of 1921 that we in the United Provinces Government had to make a mental effort to remember that we were working a diarchical system. At the time I made that statement I was absolutely correct. Since then, however, things have changed and we have had diarchy in increasing measure and I am here as the first victim of diarchy to have come out. The Joint Committee enjoined upon the Governor systematic joint deliberation between the two halves of Government. It is left entirely in the power of the Governor when to have joint deliberation and when not to have. It is part of the power conferred upon the Governor by the Act, of which we complained at the time

when the Act was only a Bill, and I have greater reason to complain now than then. We have had the experience of unitary system of Government when it was diarchy in theory, next, of a semi-demi-unitary diarchical Government and lastly of diarchy unmitigated. The success of the United Provinces Government during the two years and four months under the diarchical system has been exactly in the measure in which diarchy has not been observed in actual working. If I may so put it, the diarchical system has succeeded precisely where there was no actual diarchy. The moment the head of the Government remembered that his was a diarchical Government and decided to work it as a diarchy, nothing but friction has arisen. My friend Mr. Hirday Nath Kunzru demanded to know how far there had been joint deliberations, to what extent the recommendations of the Joint Committee were being respected, and to what extent they were departed from in the working of the United Provinces Government. The Finance Member, speaking for the Governor, declined to give the information asked for on the ground that it was of a confidential nature. I am not at liberty to disclose secrets this evening any more than the Finance Member considered himself to be in the Legislative Council two months ago. But I am entitled to draw your particular attention to published facts and ask you to draw inevitable inferences therefrom.

#### Unenviable Ministerial Position.

I will give you one or two illustrations which show in what position Ministers are placed in the present system due to the extraordinarily large amount of discretion that is vested in one individual, the head of the Government. There was a resolution moved in the Legislative Council in April 1921 on the Separation of Judicial and Executive functions. The spokesman of Government on that day was myself. It was a question relating to a reserved subject and the spokesman should have been either member of the Executive Council. But a transferred member of Government was selected on behalf of the Governor in Council to deliver the Government's reply to the Council. Surely you will draw from that the inference that the whole Government had deliberated upon that subject, that a collective decision had been taken and that the Governor in Council or the individual member of the Governor in Council who was concerned on that particular day, thought that the Minister could be the spokesman of the entire Government. I am not at liberty to tell you many things that might have happened after that day inside the Government. I have to make a long jump and ask you immediately to come to March 1923, when the Finance Member told the Legislative Council that the responsibilities for the subject rested exclusively with the Governor in Council. The Constitution not having undergone a change in the interval, it is the mind of the Governor that must have undergone a change. It might have been of the present Governor, or of the late, I am not at liberty to tell. But for some reason or other it must have occurred either to the late Governor or to the present Governor that any arrangements by which this all-important subject of the Separation of Judicial and Executive Functions was considered by the whole Government was wrong, that the Ministers must be kept out, and that deliberations as well as decision must be restricted to the Governor in Council. Now a system that left it free to the Governor to have joint deliberation or not to have it, to have it at all stages of a subject or only at some stages, to take Ministers into consultation at some stages and drop them out for reasons assigned or not assigned at later stages, a system under which Ministers and members of the Executive Government might be jointly responsible or separately responsible, a system of Government that leaves to the arbitrary will of a single individual this large power, cannot be a sound system (hear, hear), and we shall not be worthy of being called Liberals if we continue to tolerate it without a substantial effort to alter it. I will give a second illustration. It was stated by Sir Harcourt Butler in a public speech at a Durbar held at Lucknow in

December 1921 that his Government had promulgated the notification under the Criminal Law Amendment Act with the assent of the Ministers. But he did not tell anything more. Nor were the Ministers at liberty to tell the public anything more. All they could do was to seek a remedy by other and private means. It was not a transferred subject for which the Ministers were responsible. I would tell you just this much that if the whole truth with regard to that, the whole of the facts relating to that, had been published, the impression that gained currency with regard to the attitude and position of the Ministers in respect to the measures taken by or with the assent of the Governor in Council would have been different from what it actually was. I think even unmitigated diarchy would be preferable to a system which is the negation of continuity, of consistency, aye, of serious-mindedness. I am not an advocate of diarchy and I think that the whole of the Government should be responsible to the Legislature.

This revelation profoundly agitated the Liberals and gave the first shock of a revulsion of feeling as to their position under the Reforms. It scandalised them. The Non-co-operators laughed and taunted them, and the truth was gradually dawning on the country that the foreign bureaucracy had, as ever, used the Liberals for its own purpose and then discarded it. They had been made a scapegoat, an instrument, a mask, albeit constitutional, to instal a more perfect absolutism, to drain more of India's money, to crush the Nationalistic spirit in the country, to bring in the Lee Commission, and nobody knew what more were to follow. Sir Tej Bahadur Sapru who presided in moving a vote of confidence on Mr. Chintamani remarked that had he been treated by the Government in the same manner as the U. P. Ministers, nothing would have induced him to stay in the Government for a minute. He expressed his general agreement with all that fell from Mr. Chintamani and said: "We now know for the first time where Diarchy has failed. Mr. Chintamani suggested that we should at once ask for full Provincial Autonomy. As far as I am concerned, I shall have nothing to do with Provincial Autonomy if it comes independently of and in advance of a more thorough alteration of the Central Government. A system of provincial autonomy with the Central Govt. essentially irresponsible is on the face of it an untenable proposition. It is for this reason that I endorse the suggestion made by Mr. Chintamani that when we talk of these things in future we must not forget the Govt. of India"

#### Mr. Chintamani's Tour.

Mr. Chintamani, however, did not let the grass grow under his feet. He soon started on a lecturing tour throughout the U. P. and even as far as Bombay for the purpose of rousing the Liberal Party to set right the wrongs that were being practised by the Government all over the country under cover of the Reforms. His enemies maligned his utterances as those of a disgruntled Minister served right for daring to look into every word of the Reforms Act

as literally true. On May 30th he addressed the Liberal League at Benares, on June 3rd the Liberal League of Fyzabad, on June 13th at Poona, and subsequently lectured in several places in the Bombay Presidency at the invitation of the Liberals there. In all his speeches he stressed the point that the Liberals, who were unlike the Non-co-operators constitutionalists first and last, had after working the Reforms been confronted with a new situation and they must all attempt now to remedy the defects that experience had pointed out in the working of the Reforms. He strongly combated the position taken by the wreckers of the Reforms that it gave nothing and asserted that the Reforms did give something but that they should now press forward their claim for having more. According to this view a change was made in the object of the United Provinces Liberal Association at its annual meeting on June 9th, presided over by Sir Tej Bahadur Sapru. The object of the Liberal Party, the Association declared, in changing their first rule of Association, was to work by constitutional means for the attainment as early as possible of Self-government and Dominion Status. Their goal was Swaraj or Self-government within the Empire. Their policy was a combination of co-operation and non-co-operation. They were not to destroy anything like the Swarajists. As Sir Tej Bahadur said in the course of his impressive speech to the association vindicating Liberal policy: "We have the remarkable phenomenon before us that those who in the year 1920 considered that the contact with the Councils was vile contamination have now so far changed their belief that they propose to go into the Councils. It is true that destruction is on their lips, but I say it in no spirit of disparagement that consistently with the attitude that they took 3 years ago, they cannot quietly walk into the Councils without some such shibboleth on their lips. I have however very little doubt that when they have entered the Councils, destruction will alter into construction."

#### The Bombay Liberals

The Bombay Liberals were at this period more fortunate. They had as yet nothing to complain of Diarchy. Sir Chimanlal Setalvad's resignation from the Executive of the Bombay Government early in June came as a surprise and the people expected another round of "revelations" *anent* the Reforms. But Sir Chimanlal chose not to take the public into confidence and recite his experience in the Government. In his letter of resignation to the Governor he wrote that he felt "very strongly that in the present state of politics in the country and looking to the needs of his party with the general elections imminent, it is his imperative duty to resign office and seek re-election to the Assembly." There was not a breath about the Reforms and Diarchy which seemed to

have given a quietus to the Bombay Liberals. The second Bombay Provincial Liberal Conference, held at Karad (Poona) on 19th May, reflected their attitude. Some 250 delegates from the scattered Liberals of the presidency attended. Rao Bahadur R. R. Kale, the Chairman of the Reception Committee, delivered a thoughtful address dealing mainly with their achievements under the Reforms and emphasised the spread of Liberalism in India to stem the corroding influences of castes and communal differences. Mr. Chunilal M. Mehta who presided stressed the superiority of constitutional methods over direct action and strongly attacked the Congressmen. With those who intended to enter the Councils with a view to mending them, he thought, the Liberal party had no quarrel. But the Liberal party and all the rest in the country who stood for steady and ordered progress through constitutional evolution could not unconcernedly look on when N. C. O's also threatened to enter the Councils with the avowed intention of obstructing the working of the constitutional machinery. The pay of the higher Services next came in for much scathing criticism at the hands of Mr. Gandhi. He said that he would fail in his duty if he did not give definite expression to the public feeling that the salaries of the I. C. S. and other all-India Services were unduly enhanced by the Secretary of State for India in 1918 to buy off their threatened powerful opposition to the introduction of the Reforms, that these salaries did not stand in need of any revision, and that the Services were so heavy that India could not any longer bear the burden of such costly service on its present scale.

Of the resolutions passed by the Conference the most important ones were the following :--

At the instance of the Hon. Prof. Kale a resolution expressing keen dissatisfaction at Lord Peel's despatch of November last and asking for the immediate grant of full Provincial Autonomy and introduction of responsibility in the Central Government in all departments except military, foreign and political, was unanimously carried. The next resolution related to military expenditure and it was proposed by Mr. Dugal, a non-Brahmin. The resolution demanded further reduction in military expenditure by giving effect to all the recommendations of retrenchment of the Inchcape Committee by further reducing the British element and Indianisation of the Army. Mr. Krayadhar proposed the resolution about the salt-tax. It characterised Lord Reading's action in certifying the salt tax as most arbitrary, unwise and inexpedient, and expressed the view that the circumstances in which he did so could by no stretch of imagination be described as an emergency. The resolution also expressed the opinion that the non-official members of the Assembly will be justified in refusing further supplies of money as they might think fit.

The resolution on the Royal Commission on Public Services protested against its appointment and expressed the opinion that no question of the salaries etc., of the Services should be considered unless it be accompanied by a further grant of reforms. Mr. D. P. Desai, the Kenya delegate, put before the Conference a comprehensive resolution about Indians in the Colonies.

### The Bombay Liberal Manifesto

On August 10th, soon after the prorogation of the Councils, the Western India Liberal Association issued its election manifesto. It said :—

“The Liberal Party, although of the view that the Reforms Scheme of 1919 was inadequate in various respects, agreed to work the same as it constituted an advance and a substantial improvement on the previous order of things and because they were convinced that by working the new constitution a further early advance would be assured and accelerated. The wisdom of this step has been more than justified. Firm in their conviction that it is only by constitutional method that India will achieve complete self-government and not by running after illusory and unobtainable programmes of attaining complete Swaraj in a few days or months, the Liberal Party have, in spite of the undeserved abuse to which they were subjected by the misguided among their own people on the one hand, without any fear of official displeasure on the other, applied themselves manfully to the task of working the new constitution. In doing so they worked with the sole purpose of securing public good and did not hesitate to relentlessly oppose Government when it was necessary to do so, and they claim that the record of their work is one which must receive the approbation of all right-thinking men.

“In the Central Legislature they immediately applied themselves to secure the repeal of the various repressive laws against which the people had been protesting vainly for many years and they succeeded in securing such repeal. They worked for and accomplished the removal of racial distinctions in the Criminal Law. They have throughout insisted upon a policy of retrenchment and sound finance and they claim that they forced upon the unwilling Government a thorough investigation of the expenditure of the Indian Government by the Incheape Committee, and compelled the Government of India to agree to substantial reduction in the expenditure as a result of that Committee. By their efforts the Fiscal Commission was appointed whose recommendations when adopted would considerably encourage Indian industry and conserve its financial resources. The Party has kept equally in view the improvement of the conditions of labour and has helped in inaugurating and helping important legislation in

that direction. It has stood uncompromisingly for the rights of equal citizenship for Indians throughout the Empire. It has insisted upon genuine steps to be immediately taken for affording equal opportunities to Indians for military and naval careers with a view to the early Indianisation of the Army and making India self-reliant for defending herself. It has also supported the rapid Indianisation of various public services consistently with efficiency. It has stood for the maintenance of a stable Government and complete security of life and property as essential to the ordered progress of India towards complete Self-government.

"The Liberal Party has striven with considerable success for the enfranchisement of women and it will continue its efforts to secure perfect equality for women in the rights of citizenship. The party has worked and will continue to work for promoting the well-being of the backward and depressed classes and is pledged to secure for these classes special facilities for education and their due share in the administration and in Government appointments.

"In the various Provinces the Liberal Party can show equally good achievements to its credit. In Bombay they insisted upon strict retrenchment and compelled Government to accept a cut of Rs. 60 lakhs at one stroke. They helped in passing a measure for the introduction of free and compulsory primary education throughout the presidency and has put on the Statute Book a liberal measure of local self-government. The Party has shown the courage of shouldering responsibility in undertaking vast schemes of irrigation calculated to bring great prosperity to the province and have voted funds for them.

"The Liberal Party is not the party of the supporters of Government. As regards the Central Government where the element of responsibility has not been introduced, and in the Provinces as regards reserved subjects which are not administered by the elected representatives of the people, the Liberal Party is the party of Opposition. Its touch-stone is public good and the early attainment of complete Dominion Status by India. It is a party that will support Government or any other body if it is convinced that a particular measure was in the real interests of the country. It has not hesitated and will not hesitate in the future to do all it can to oppose and criticise as strongly as possible any measures of Government which are calculated to injure the interests of the country. It has, for instance, strongly denounced the unjustifiable action of the Governor-General in certifying the enhancement of the Salt Tax in direct opposition to the repeatedly declared wishes of the Legislature. The Liberal Party will carry on an effective constitutional agitation for securing such safeguards in the constitution as to render the repetition of such an abuse of power impossible.



"The Liberal Party has been profoundly disappointed at and views with great resentment the betrayal of India by the British Cabinet at Home in the settlement of the question of that colony. The Liberal Party will join hands with all other parties in taking all measures for making effective Indian feeling in the matter. It will unflinchingly adopt all available constitutional methods to secure an early reversal of the most unjust and humiliating treatment of Indians abroad. The Liberal Party will do its utmost to combat the threatened iniquitous treatment of Indians by General Smuts in South Africa and will not rest till full and equal citizenship is secured for Indians throughout the British Empire.

"The Liberal Party will strive by every constitutional means to secure the following objects :—

- "1. Securing of complete Dominion Status for India as quickly as possible.
2. Immediate full responsibility in the provinces so as to bring to an early end the transition period of diarchy.
3. Immediate inauguration of responsibility in the Central Government.
4. Curtailment of the powers of the Viceroy to over-ride the decision of the Legislature specially with regard to Finance Bills.
5. Curtailment of the powers of interference of the Secretary of State with the Government of India and the Indian Legislature.
6. Steady reduction of the military and civil expenditure at least to the extent recommended by the Inchcape Committee.
7. A genuine and effective attempt at early Indianisation of the Army.
8. Rapid Indianisation of the Services while maintaining the proper standard of efficiency.
9. Provincialising the Services as far as possible and vesting the control of all such Indian services as may be found necessary to maintain in the Government of India instead of the Secretary of State.
10. A genuine attempt to make the Territorial Force a success by making effective recruitment and incurring the necessary expenditure for those purposes and otherwise making the force attractive.
11. Independence of the Government of India and the Indian Legislature in fiscal matters.
12. Rights of equal citizenship for Indians in all parts of the British Empire.
13. Rapid extension of sanitation as well as education of all grades, primary, secondary and higher, and immediate introduction of free and compulsory education throughout the country.
14. Strong support to the claims of the educationally backward communities to a proper share in the services and administration.
15. Provision of special facilities for education of all kinds for the students of the backward communities and depressed classes.
16. Amelioration of the conditions of labour and securing to labour their proper rights.
17. Gradual curtailment of the consumption of liquor and other drugs so as to attain total prohibition within a reasonable time.

18. Revision of the financial settlement with a view to secure just treatment to the Bombay presidency by securing to it a due share of the rapid growth in revenue brought about by its own enterprise and industries."

### The U. P. Liberal Conference

The most important Liberal move was however made in the U. P. under the lead of Mr. Chitamani who made an extensive tour of campaign on behalf of the Liberal party throughout the province. The popular sympathy which he enjoyed at this time for his troubles with the U. P. Government helped him to secure large audiences and everywhere he met with the most enthusiastic reception. His efforts culminated in an important conference of the U. P. Liberals at Benares held on the 23rd and 25th August under the presidentship of Mr. A. C. Sen, the veteran Liberal leader of Lucknow. In a very lengthy address the President dwelt mainly on all-India topics, especially on the position of India in the Empire, the Kenya outrage, then the burning topic of the day, and advocated strong measures such as retaliation and boycott of the Imperial Conference and the Empire Exhibition in return. He further insisted upon freeing the Govt. of India from the Secretary of State's control, a radical reform of the Military policy, and a substantial reduction of the Military expenditure, and exposed the farce that was being enacted by the Govt. of Indianising the eight units of the Indian army. He strongly urged for complete provincial autonomy and a thorough-going Indianisation of the Services and recruitment in England should be stopped at once. He also dwelt upon the subjects of the separation of functions (judicial and executive), Hindu-Muslim relations, the Swadeshi movement, the relations between landlords and tenants, between Capital and Labour and some other provincial or less important topics.

The most important resolutions of the Conference were :—

#### On Self-Government

The experience of the working of the Government of India Act of 1919 during the last two years and a half having demonstrated the soundness of the criticisms uttered by and on behalf of the Indian Liberal Party when the scheme was under consideration and also the necessity in the interests of National progress of a further substantial constitutional advance at an early date, both in the Central Government and in the provinces, this Conference urges that speedy action be taken to amend the said Act and the rules made thereunder, so as, among other things, to divest the Secretary of State for India of the right of superintendence, direction and control of the Government of India and its revenues and make the Government of India responsible to the Legislative Assembly, except for a limited period in respect of foreign and political and military policy, to make the relation of the Secretary of State for India to the Government of India analogous, except for a limited period in matters of foreign and political and

military policy, to the relation of the Secretary of State for the Colonies to the Dominions, and to abolish the India Council, to make the Provincial Governments completely responsible to their respective Legislative Councils and to transfer from the Secretary of State to the Government and the Legislature of India full control over the All-India Civil Services, provided that any guarantee that may be thought necessary may be given to the present members of the Services to assure them the continuance of their existing salaries and pensions.

### Mr. Chintamani on Kenya.

Mr. C. Y. Chintamani, on being called upon to move the Kenya resolution, thanked the Conference on behalf of Pandit Jagat Narayan and himself, neither of whom he said was a non-co-operator or posed as a martyr for the resolution passed early in the day appreciating their services and approving the action taken by them in resigning their office. Turning to the Kenya question he said: His Majesty's Government has swallowed the very resolution which they had themselves accepted in letter and spirit only two years ago at the Imperial Conference. In flagrant violation of the most unequivocal pledges, the British Government yielded in a disgraceful manner to the threats of violence of the white population of Kenya in case the Indian demands were conceded. The disproportionate and excessive representation of the White settlers in the Kenya Legislature has been supported on the ground of communal representation, a principle adopted in India not at our instance, but in spite of our protestations. Mr. Andrews had told the public that the lowlands of Kenya reserved for Indians is marked in the maps as a swamp. Mr. Chintamani quoted the uncomplimentary remarks of the "Pioneer" regarding the White Settlers in South Africa and observed that the White Paper issued by His Majesty's Government was white in only so far that it was printed on a White Paper and showed anything but a white transaction. The Kenya decision was a complete example of organised hypocrisy and a movement of disgraceful betrayal of India's interests. Mr. Chintamani made a strong and forceful speech speaking for over 45 minutes in appealing to the self-respect of Indians to work incessantly, unitedly and resolutely, giving themselves no rest and the Government no peace till the decisions arrived at by His Majesty's Government with regard to Kenya and South Africa were annulled. The resolution runs as follows:—

This Conference records its sense of grave and acute dissatisfaction at the utterly one-sided and most unjust decisions taken by His Majesty's Government on the Kenya question, decisions that are at once a flagrant breach of the past pledges and a direct negation of an equal and honourable place for India in the British Empire and are bound to affect the attitude of India towards the British Empire. This Conference regrets the utterly inadequate presentment of the case for India by the India Office and the Government of India which should exist for upholding India's interests and it urges the publication without delay of the whole of the correspondence between the Government of India, the India Office, and the Colonial Office. This Conference further protests against the systematic

anti-Indian policy of the Government of South Africa and resents the disabilities to which Indian nationals are subjected in several other Dominions and Colonies and is certain that the people of India will make every effort in their power to win for India the same status in her dealings with other members of the Empire as is enjoyed by the Dominions. The Government and Parliament in England having failed in their duty of safe-guarding India's legitimate interests, this Conference is clearly of opinion that a policy of retaliation should be adopted by the Government of India and it urges that the Reciprocity Bill which has passed the Legislative Assembly should soon be approved of by the Council of State and assented to by the Viceroy and that rules be made thereunder and appropriate action taken without avoidable delay.

This Conference urges the imposition of a heavy import duty on South African Coal, the revocation of the sanction lately accorded by the Government of India to the re-opening of Aided Labour Emigration to the Federated Malay States, Mauritius and Ceylon, the withdrawal of the Government of India from participation in the British Empire Exhibition, and an amendment of the Racial Discriminations Removal Act so as to deprive the Colonials in India of any of the special privileges still accorded to Europeans such as in criminal trials.

This Conference is surprised that the Hon'ble Sir B. N. Sharma, the Member in Charge, should in his speeches in the Legislative Assembly and the Council of State have attempted a defence of the Kenya decisions, and it is of opinion that he as well as the two other Indian Members of the Government of India should resign their offices as a protest against the humiliation of India by His Majesty's Government.

This Conference expresses its sense of high appreciation of the eminent services rendered to India in this connection by the Right Honourable V. S. Srinivasa Sastri, Messrs. O. F. Andrews and Polak, Messrs. Kamat and Jamnadas Dwarkadas, and Mr. Desai and other Members of the Kenya Indian Delegation.

#### Salt Tax.

This Conference strongly disapproves of the action of His Excellency the Viceroy in certifying the Finance Bill in order to double the tax on salt, in disregard of the decision of the Legislative Assembly and earnestly hopes that the Assembly will next March vote for the reduction of the duty to the old level of Re. 1-4 a maund and is further of opinion that, unless the Central Government is made responsible to the Legislature, the power of certification vested in the Governor-General should be curtailed by an amendment of section 67-B of the Government of India Act in the manner suggested by the Legislative Assembly, so that the powers in future be limited only to matters affecting the peace and tranquility of British India.

#### Military Policy.

Another resolution adopted referred to the Military policy and expenditure, and urged that the Indian Army should be made truly Indian by a reduction of the strength of the British Army in India and its progressive replacement by Indian units, by a rapid increase of the numbers of Indian Officers holding the King's Commission, by the admission of duly qualified Indians to all branches and all ranks of the defensive organization of the country, by the provision in India of adequate facilities for the attaining of Indians as officers by the amalgamation of the Auxiliary and Territorial Forces and, if this be not immediately feasible, by the removal of the invidious distinction between them as regards conditions of service by an equitable reappointment of charges between Britain and India by insistence upon all possible economies in the military administration.

#### Indianisation.

The next resolution which referred to the Indianisation of Civil Services laid down that the Provincial Services should replace the All-India Services as far

as possible. The Conference protested against the excessive disproportionate contributions levied upon the local Government by the Government of India and pleaded that the Local Government should be relieved of its contributions.

The next resolution on economy and retrenchment in the United Provinces and the Separation of Judicial and Executive Functions and Services ran thus :

"This Conference regrets that further publicity has not been given to the proceedings of the United Provinces Economy Committee and that so far as it is aware that public bodies or public men have been invited to place their views before the Committee, this Conference is of opinion that the cost of administration should be reduced *inter alia* by the abolition of costly and superfluous posts such as those of Superintending Engineers, by the conversion of the post of Chief Secretary to that of an ordinary Secretary and by the abolition of the Lucknow allowances given to him and to the Chief Engineers, by the fixing of the salaries of members of the Government at Rs. 4,000 a month in the place of Rs. 5,333-5-4, by the substitution as far as possible in all departments of less costly Provincial for Imperial Services Officers, by a reduction of the number of revenue districts, by the adoption of all the recommendations of the P. W. D. reorganization committee of 1922, besides those mentioned above which make for economy and retrenchment, and by a reduction of the strength of the Inspecting agents in the Education Departments, by a reduction of the number of Excise Inspectors, by the abolition or reduction of the posts of Circle Inspectors of Police, and further substantial reductions in the Police and Forest Departments and by stopping expenditure upon buildings that are not absolutely and immediately required and by curtailing substantially the dimensions of the Government's annual exodus to the hills. This Conference is opposed to any reductions beyond what can be effected by more economical administration and by the substitution of Indian for European agency in beneficial services such as Education, Industries, Medical, Public Health."

"This Conference records its strong disapproval of the long delay that has been made by the Government in dealing with the recommendations of the Stuart Committee on the separation of Judicial and Executive Functions."

"It is the deliberate conviction of this Conference that no reform will give public satisfaction which will leave the trial of cases under section 107, 108 and 110 of the Criminal Procedure Code in the hands of Executive Officers and which will not effect a complete separation of the two functions as well as the two Services."

## The Liberal Manifesto

The following manifesto was issued on behalf of the Council of the National Liberal Federation of India by Mr. C. Y. Chintamani, General Secretary, on August 23rd. on the eve of the Liberal Conference at Benares.—

1. The Liberal party of India is as old as the days of Raja Ram Mohan Roy and its greatest member was Dadabhai Naoroji. It is the party that is faithful to the traditions and principles, policies and methods, and is steadily and consistently carrying on the work of the Indian National Congress that was founded by Hume, served devotedly by Wedderburn, and rehabilitated after 1907 by Mehta and Gokhale, among others. It exists to realize the ideal held forth by Dadabhai Naoroji at the great Congress of 1906, of *Swaraj*

for India within the British Commonwealth. It seeks to achieve by constitutional action Self-Government and Dominion Status for India as early as possible. It is to the constitutional efforts of the Indian National Congress that India owes the Reforms of 1892, 1909, and 1919. In connection with the last and most liberal of the three Acts, those robust-hearted Congressmen who had not lost faith or given up patience were obliged in the public interest to separate themselves from the old organization when it passed under a new control and ceased to be what it had been. They then founded the National Liberal Federation of India with the double object of ensuring the effectuation of the Montagu-Chelmsford Scheme in as liberal a form as possible and of sustaining the old Congress movement.

2. The Liberal Deputation to England in 1919 worked hard to get the Government of India Bill passed into law freed from defects and substantially liberalized. A comparison of the Bill with the Act will show that the labours of the deputation had not gone in vain. In the following year equal efforts were put forth to see that the Rules framed under the Act were such as to fulfil its purposes. It is unfortunate that, on the whole, success did not reward the latter efforts. Since the Act came into operation members of the party inside the several Governments and Legislatures in the country as well as in outside public life have laboured unceasingly for the removal of wrongs and the redress of grievances as well as for the development, of beneficial services. And they have succeeded not only in doing much present good but equally in demonstrating the fitness of Indians for the exercise of the rights of Self-Government. It is undoubted that their achievement would have been greater if a section of our countrymen had not withheld their co-operation from the Legislatures and pursued a propaganda which materially increased the difficulties of the situation and has proved an admitted failure.

3. A regrettable change of spirit and temper in the Government here and in England since the attempted boycott by the Non-co-operation party of the visit of His Royal Highness the Prince of Wales and the enforced resignation of the office of Secretary of State for India by Mr. Montagu is another adverse factor that the Liberals have had to contend against. Besides, the introduction of the Reforms unfortunately synchronized with the acutest financial stringency the Government in India were ever confronted with and this inevitably interfered with the development of schemes of beneficial services by Ministers in the several provinces. But, in spite of the fresh affront to Indian feeling offered by the decision of his Majesty's Government on the Kenya issue, the Indian Liberal party have full confidence in the efficacy of vigorous and sustained constitutional

agitation as much as they remain convinced of the futility of the method of non-co-operation that has been tried and found not only useless but positively harmful to the best interests of India. And it is their firm intention to work with redoubled vigour for such a transformation of the character and constitution of the Government as to make it as nearly as may be 'Government of the people, by the people, for the people,'—in other words 'Swaraj'.

#### Achievements of the Party.

4. Holding the views they do on the question of the appropriate political methods for the people of India to pursue, and having regard to the position they took up in connection with the Montagu-Chelmsford Reform Scheme, it was right and natural that the members of the Liberal party should have decided to take their full share in the working of that scheme as it finally took shape. The events of the last two years and a half have more than vindicated the wisdom of their attitude and action. Those Liberals who were appointed members of the Government as well as the much larger numbers who were non-official members of the Legislature made strenuous attempts to promote the well-being and advancement of the people in every manner open to them. It will be seen from the instances given below that no inconsiderable measure of success has attended their efforts. Where actual results have not yet been achieved, the cause of reform has still been advanced and success can be said to be much nearer than before.

5. The Press Act, the most obnoxious of all the repressive laws of India, has been repealed, and so have been several other measures that curtailed the civil liberties of the people. The Acts that still remain in force would also have disappeared if the situation had not been complicated by the disturbing activities of non-co-operators. Extremist agitation and methods furnished the occasion or gave the excuse for the original enactment of repressive laws; to them must be attributed at least in part the continued existence of some of them on the Statute Book.

The many irritating racial discriminations that disfigured the Criminal Procedure Code have nearly been done away with.

The Legislative Assembly has several times advocated the introduction of further substantial constitutional reforms at an early date.

The Fiscal Commission with an Indian Chairman and a majority of Indian members was constituted at the instance of the Assembly, and its recommendations when carried into effect are likely to give a much needed stimulus to the development of Indian industries. The first practical step has already been taken by the Government in the direction recommended by the Commission. The country is very

properly interested in the Swadeshi movement. In this sphere the pressure exerted by the Assembly and the Councils and the work of Ministers have led to a policy of support of home in preference to foreign products in the purchase of Government stores and also to the institution of Industrial surveys, the development of technical education, and the grant of State aid to industries. This, and not the Khaddar propaganda with its implied ban of the Indian mill industry, is the true and really beneficial Swadeshi movement.

It is the non-official members of the Assembly and of the Provincial Councils who brought about the appointment of the Inchoape and Provincial Retrenchment Committees, and who have forced the Government to reduce expenditure so as to minimize the necessity of new taxation. The effort to secure a reform of military policy and a reduction of military expenditure, with the double object of making the Indian Army eventually a truly national army adequate for all legitimate requirements in India and of setting free a much larger share of the public revenues for application to beneficial purposes of internal development, has been as unceasing as the attempt at a rapid Indianization of the Civil Services which should be recruited in the country itself and controlled by the Government of India acting in conformity with the policy of the Legislature.

The separation of judicial from executive functions, extended educational facilities, and a reform of educational policy so as to bring the system into closer accord with Indian conditions and requirements, measures for the improvement of agricultural methods, more effective control by the Legislature of land revenue policy so that zemindars and ryots may suffer no hardship or injustice, measures for the improvement of the position of tenants, the welfare of labour, the bringing of district administration into approximation with public opinion, a more enlightened and humane jail administration including the special treatment of political prisoners, temperance reform, a more economical administration of the public works department, extension and reform of the system of local self-government in municipal as well as rural areas including the establishment of village Panchayats, measures for the improvement of public health, more adequate medical relief including the encouragement of indigenous systems of medicine, measures of social legislation, and generally a vigilant criticism of administrative acts, methods and omissions so as to minimize abuses of authority and make the administration perform the better its true function of serving the public interests:—to these ends have the activities of the Liberal party inside and outside the Legislative Chambers been systematically directed, with not complete, it is true, but no small measure of success. It would have been greater if, as already stated, the first years of the new Government had unfortu-



nately not also been a period of unprecedented financial stringency. The record of the public activities of members of the Liberal party, marks an unmistakable advance along the path of self-Government.

### Misrepresentation by Extremists.

6. It certainly is not true that the Liberal party is a body of indiscriminate supporters of the Government, as their political opponents sedulously misrepresent them to be. It exists with the single object of making organized efforts for the elevation of the political status of India and the amelioration of the social and economic condition of her people. The whole of the work of the Liberal members of the Legislatures, Central and Provincial, proclaims aloud that they are critics, not 'co-operators', as the latter term is ironically used in some quarters. They have never betrayed the slightest hesitation in speaking their minds freely and plainly. Their *guiding principle is to say and do, not what pleases the Government, but what justice and the interests of the country demand.* Whenever they have been driven to a choice between serving their countrymen whom they believe to be misguided, they have unhesitatingly elected the former and higher course even at the cost of deliberate misrepresentation by extremist writers and speakers. They have worked the present Reforms and will continue to do so. But the experience that has been acquired during the last two years and a half has demonstrated the correctness of all the suggestions and criticisms they made in the years 1918 to 1920. They never said that the Reforms were all that they should be, and it is utterly untrue that only now as a result of disillusionment have they begun to point out defects in them. Today they are more than ever convinced of the imperative necessity of a substantial amendment of the Government of India Act in the near future, to ensure that Indian interests shall not be sacrificed or subordinated to British or Imperial purposes, and that India shall be governed in the largest possible measure by Indians themselves in accordance with the will of their representative Legislatures.

7. The sacrifice of legitimate Indian interests in many of the Dominions and Colonies and the indignities to which the Indian settlers there are not infrequently subjected, against which not only the Legislative Assembly and the Council of State but the whole country has strongly and constantly protested, further demand that every effort should be made to secure Dominion Status for India. The betrayal of India by His Majesty's Government in the recent Kenya 'settlement' has forcibly brought home to every thinking and self-respecting Indian the humiliation of the present position of his Motherland and the necessity of a supreme effort to obtain for India rights similar to those of the Dominions in order that India's interests may be effectively protected and India's honour vindicated.

## Work to be Done.

8. It will thus be seen that the programme of the Indian Liberal party is to strive by means of vigorous and sustained constitutional action, to secure at the earliest possible date :—

(1) the same status for India in her dealings with other members of the British Commonwealth as is accorded to the Self-governing Dominions ; (2) the approximation as far as may be of the relations between the Secretary of State for India and the Government of India to the relations that subsist between the Secretary of State for the Colonies and the Governments of the Dominions, and the abolition of the Council of the Secretary of State for India ; (3) a reform of the constitution and functions of the Government of India so as to make it responsible to the Legislative Assembly in all matters save foreign, political and military affairs and including fiscal policy ; [Such acts as the recent Certification of the Finance Bill doubling the salt tax against the will of the Legislative Assembly should no longer be possible ;] (4) the abolition of Executive Councils in the provinces and the conversion of the whole of the provincial Governments into Ministries responsible to the Legislatures ; (5) the extinction of the provincial contributions to the Central Government ; (6) a radical reform of military policy such that Indians may get into their proper place in all the branches of the defensive organisation of the country, and a substantial reduction of military expenditure ; (7) a rapid Indianization of the Civil Services and their control by the Government of India instead of by the Secretary of State, as an integral and indispensable part of the policy of responsible government for India ; (8) the widest possible diffusion of education and a reform of the system so as to bring it into greater harmony with Indian conditions and requirements ; (9) the adoption of measures for the uplift of all the backward classes, and specially the provision of extended educational facilities for their boys and girls ; (10) legislation to bring land revenue policy under the control of the Legislature for the better protection of the legitimate interests of landholders, and for the amelioration of the condition of tenants ; (11) the improvement of agriculture and the development of the co-operative movement ; (12) the development of Indian industries ; (13) social legislation, and the welfare of labour ; (14) the complete separation of judicial and executive functions as well as the Services ; (15) the eradication of the drink evil.

9. On this programme the Council of the National Liberal Federation of India appeal to the country with confidence to return at the ensuing General Elections to the Legislative Assembly and the various Provincial Councils candidates put forward or supported by the Liberal party's organizations in the several provinces.

# The Royal Commission

The greatest discredit, and also disillusionment, of the Liberals came from the Royal Commission on the Public Services, set up at the instigation of the European Services just at the moment when the Conservative Government in England refused to consider the grant of further Reforms to India. Mr. Mazumdar's resolution for an early step towards more Reforms had been passed by the Assembly in 1921 and the Govt. of India had accepted that. That was in the regime of Mr. Montagu, but Lord Peel, the new Secretary of State, refused to consider the Indian demand (p. 72) that was backed even by the Govt. of India and forthwith appointed a Royal Commission to enquire into the grievances of the Service-men. The dramatic announcement of this Commission and the strong resentment that it excited amongst Indians are given in the section on the Central Legislatures (see pp. 254, 259). The Assembly refused to sanction the cost. The object of the Commission was very clearly set forth, divested of all camouflage, by the ex-I. C. S. Governor, Lord Meston, in the *Evening Standard* of London. He said :—

"The problem before Lord Lee is in effect, however his instructions may be worded, to decide how far the British element in the Public Services can be maintained..... to make proposals for a career in which the young Englishman will be secure. The conditions must be sufficiently attractive to secure men of the right stamp. While Lord Lee, presumably, will not discuss the pace of progress towards Home Rule, he ought to be able to induce the Government to guarantee to young Englishmen contemplating an Indian career a reasonable period of service and reasonable conditions of work and pay."

In spite of all Indian opposition the Royal Commission began its preliminary meetings at Delhi on Nov. 6th and 7th with the following members : the Rt. Hon'ble Viscount Lee of Farham (Chairman), Sir Reginald Craddock, Mr. B. N. Basu, Sir Cyril Jackson, Sir M. Habibullah, Mr. Hari Kissan Kaul, Mr. D. Petrie, Professor P. Coupland, and Mr. N. M. Samarth. The composition of the commission was significant ; the Indian element was extremely weak. The proceedings commenced with the reading of the Royal Warrant as follows :—

"Having regard to the necessity for maintaining a standard of administration in conformity with the responsibilities of the Crown for the Government of India and to the declared policy of Parliament in respect of the increasing association of Indians in every branch of the administration, and in view of the experience now gained of the operation of the system of Government established by the Government of India Act in respect of the superior Civil Services in India, to enquire into : (1) the organisation and general conditions of service, financial and

otherwise of those services ; (2) The possibility of transferring immediately or gradually any of their present duties and functions to services constituted on a provincial basis ; (3) The recruitment of Europeans and Indians respectively for which provision should be made under the constitution established by the said Act and the best method of ensuring and maintaining such recruitment and to make recommendations."

Lord Lee in his opening remarks emphasised the significance of the Royal Warrant which constituted a direct mandate from the King-Emperor to the commissioners. To create a favourable impression, he tried to impress upon the people of India the fact that it was neither appointed by, nor responsible to, either the Govt. of India or the Secretary of State for India or indeed to any one but the King-Emperor himself ! A further attempt to cover the real purpose was made by pretending to place the question of Indianisation in the forefront of the enquiry but the most pressing point, Lord Lee admitted, was the immediate relief that should be given to the Services.

Two questionnaires were issued : one consisting of 7 questions on the organisation of All-India Services, and the other containing 11 questions on Service conditions. The questions regarding organisation of Services run :

Question No. 1 :—In the light of the experience now gained of the operation of the system of Government established by the Government of India Act and in view of the avowed policy of Parliament as contained in the preamble of that Act, do you consider possible any readjustment of the position, in particular the possibility of transferring immediately or gradually any of their present duties and function to services constituted on a provincial basis ? If in your opinion any readjustment is necessary, what in your view should be the place and functions of these services and in particular of the Indian Civil Service in the Government of India ?

Question No. 2.—The tables annexed set out the principal classes of superior appointments at the present held by members of the All-India Services. To what extent in each of these classes do you consider that European personnell must at present be retained for the maintenance of a standard of administration in accordance with the responsibilities of the Crown for the Government of India, and do you consider that any progressive reduction of this European element will be practicable within, say, the next 20 years.

Question No. 3 : Do you consider that the European element in the Services should be appointed and controlled by the Secretary of State in Council as members of Services organised on an All-India basis with the safeguards and conditions at present attaching to that organisation, or, should it be appointed and controlled by the Government of India, or, where the duties concerned are under a Local Government, by the Local Government ?

Question No. 4 : Having regard to the declared policy of Parliament in respect of increasing the association of Indians in every branch of the administration and to the provision in section 84-A of the Government of India Act for the appointment of a statutory commission in 1929 to report on the extent to which it is desirable to extend, modify or restrict the degree of responsibility of Government then existing in India and, having regard also to the importance of offering to recruits a career of adequate security and opportunity, on what conditions do you consider that the European element in the services should be recruited ? In particular, do you consider that engagements on short term

contracts would be suitable as a substitute for permanent appointments and, if so, to what extent and in what branches of the services?

Question No. 5: Do you consider that the Secretary of State in Council should continue to appoint and control the Indians required for duties and functions of the kind at present performed by the All-India Services or should they be appointed by the Government of India or by Local Government? If you hold the former view, do you consider that any alterations are necessary in the methods adopted for recruitment of Indians for the All-India Services?

Question No. 6: Do you consider that the existing rate of pay for the All-India Services are suitable (A) for Europeans, (B) for Indians? If not, what readjustments do you suggest?

Question No. 7: If Local Governments should appoint the personnel required for the duties and functions referred to in Q. 5, would it be preferable to organise them as separate superior Provincial Services or to amalgamate them with the existing Provincial Services? In the latter what alternative scales of pay would in your opinion be necessary to obtain recruits of the required standard?

The 11 questions on Service conditions in All-India Services are:

"Question No. 1. Taking into consideration the provisions of the Government of India Act, do you consider that the position of members of the Services is adequately safe-guarded as regards (a) pay, (b) allowances, (c) prospects, (d) pensions? If not, and bearing in mind the existing constitutional position in India have you any proposals to make?

Question No. 2. Have you any observations to offer on the scheme for retirement on proportionate pension announced in the Government of India, Home Department Resolution, dated November 8th 1921 No. F-149-1 (Establishment), as subsequently amended?

Question No. 3. What are your views with regard to the present rates of pay? Give any figures available to you e. g. family budgets, distinguished between expenditure in India and expenditure involving remittance to the United Kingdom. If a new scale of remuneration were fixed now, how would you provide for its adjustment to meet future variations in prices and exchange?

Question No. 4. What are your views with regard to the question of passage allowances for officers in the services and their families? If such allowances were granted, would you prefer they should take the form of an increase of overseas pay to all officers or the grant of a certain number of passages during an officer's service to himself, his wife and family?

Question No. 5. Have you any criticism to make regarding the allowances payable to the services?

Question No. 6. Have you any observations to offer regarding the withdrawal of exchange compensation allowance?

Question No. 7. Do you consider that any grievance exists in respect of house accommodation, the rent chargeable for official residence, or the house rent allowances granted when no official residence is available?

Question No. 8. Have you any criticism to make regarding the leave rules?

Question No. 9. Do you consider that the pension rules and scales are satisfactory? If not, give reasons in detail for any proposals you may have to make. Do you consider that subscription to Provident Funds by Government in lieu of pensions should be adopted for (1) Officers now in the Services and (2) Future recruits. Have you any observations to make on the rules governing commutation of pensions and in particular the existing one-third restriction on the proportion of pension which may be commuted?

Question No. 10. What is your opinion of the comparative merits of family pensions and Provident Funds as provision for the families of deceased officers? Have you any observations to offer regarding the existing I. C. S. family pension fund?

Question No. 11. Do you consider that suitable provision is made for medical attendance for officers and their families? If not, have you any proposals to make?

### The Sitzings of the Commission.

A veil of secrecy was drawn over the activities of the commission both at the commencement and during the hearing of evidence. It was known that Lord Lee and his European colleagues had interviewed prominent Service-men in England, Sir Michael O'Dwyer including, and some of the most important evidences tendered were taken *in camera* and not made public. For seven days the Commission sat at Delhi, confabulating with the departmental heads of the Government of India and examining them *in camera*. The first witness examined in public was Mr. K. C. Roy of the Associated Press Service. Mr. Roy presented a closely reasoned memorandum over which he was cross-examined for three hours. At the outset Mr. Roy pointed out that the question of the structure of the constitution, which Lord Peel refused to consider, was bound up with any consideration of the position of the Services, and Lord Lee confessed that this "inherent difficulty" about the work of the Commission remained. Mr. Roy pointed out that the Government, if it wished to maintain its solvency, must employ Indian agency in a larger proportion to counter-balance the higher cost of superior appointments. The European official asking a higher salary must reconcile himself to reduction in the number of men of his own race in the Services and a readjustment of the rates of pay on an Indian basis. Increase in the number of Indians thus became an economic necessity, advantageous no less to the European official than to the Indian Govt. and to Indian political progress. The proportion of Europeans, he maintained, was higher and the present proportion of Indian recruitment, which is 37½ per cent rising by 1½ per cent, was not likely to affect this preponderance in the superior posts for some years to come. There was no reason therefore to fear that the European element in adequate strength was in any way menaced. As regards recruitment, he said, it was not the Indian proportion that should be fixed but the European. As for control, the fact that the Ministers, saddled as they have been with a machinery over which they have little control, are finding their position impossible should not be ignored. The emoluments of the Services should be regulated with an eye to Indian financial conditions which should also govern outside recruiting. Mr. Roy's exposure of the tactics adopted by the Services in the way of conducting an alarmistic propaganda in England and their wholesale maligning of Indians—tactics in which the Secretary of State practically acquiesced—was complete and unanswerable. Both

Lord Lee and Sir R. Craddock attempted to shake Mr. Roy from his position but they failed. Mr. Roy met Lord Lee's suggestion that we should keep a good number of Europeans in the Services to prevent us from cutting each other's throats with the prompt and convincing rejoinder that communal frictions were their making and that the moment they left us to ourselves, the better might we adjust our communal differences. Sir Reginald Craddock hinted at the irresponsibility of the legislatures. "Make the legislatures something more substantial than toys", was in substance Mr. Roy's telling retort.

The next important evidence before the Commission was that of the U. P. Government Servants' Association, comprising some 14 services with a roll of 327 European members. It presented a lengthy memorandum covering 60 pages of foolscap on November 22nd at Allahabad. At first this evidence was sought to be given *in camera* but better counsels prevailed and the Association consented to submit to a public examination. The demands that it put forth were amazing. The Government Servants demanded not only a salary commensurate with the necessities of the standard of life of the class to which they belonged plus an additional solutium for overseas service, but also compensation for diverse "unpleasantnesses," such, for instance, as serving under Indians. The memorandum made it clear that the Services were in no mood to be loyal servants of the Ministers. They admittedly had no enthusiasm for the Reforms and they wished to see that the Ministers were given no powers of insisting on their policy being fully carried out. Not even the Government of India would they allow to have control over them. They had confidence in none but His Majesty's Secretary of State. They said, in effect, that all the district charges should be Indianised and left under a new superior Provincial service. To the European, whose sacred part and lot should henceforth be only to direct, supervise and control, the only task should be that of the advisory one, on the one hand to the Ministers and, on the other, to the Indian district officers. European officials, of all the Services, for a group of districts, thus withdrawn from the interior and from direct administrative charges, should be concentrated in one centre, forming as it were a European official colony. If this be done, the advantages to the Crown, to the Government, and to the people no less than to the Services, will, they assured, be simply immense! What the "Crown" wants is of course, that the "steel frame" should be strengthened. That can be done by concentrating the members of the Services at certain spots in the country so that each centre might form a civilian cantonment. To the Services the change will be welcome. They pant after society; they will have enough of it at

these centres. The present hill-station "seasons" may almost be perpetualised and the poorest of them will lack neither the time nor the money nor the opportunity to enjoy social amenities of all sorts.

As regard their 'family budget,' even Lord Lee was constrained to observe that it was nothing but abnormal. There was not a single direction whether in respect of pay, pension, allowances, passages, compensation and 'security' where the Association felt satisfied. Mr. Basu reminded them that their own countrymen in England, whether rich or poor, were simplifying life and sharing common troubles. The answer was that conditions in the two countries were different and that 'prestige' and position had to be maintained here! When Mr. Basu reminded them they could not expect to be safely lodged in Noah's Ark while the world around was in troubled waters, and when Mr. Samarth asked whether they had realised the consequence of their demands on Indian public opinion and as to whether Indian revenues could bear them, the curt answer was that they had asked for 'living wages' irrespective of all consequences! The Association felt specially sore on the appointment of a few Indians to the Secretariat which is the controlling machinery of the administration. It complained that the policy of the Minister in replacing Europeans by Indians 'unequal to the responsibilities of the posts to which they have been appointed in the Secretariat' had made the administration suffer and it declared that the continuance of the policy will lower the standard of administration below what was the responsibility of the Crown in India! They specially mentioned the case of the U. P. Ministers and made false charges against them. Another glaring instance of hostility to the Reforms was displayed at the manifold suggestions of reversing the existing practice and putting the allowances solely in the hands of the Secretary of State and making them non-votable; that the control of their pensions should always be in the hands of their India Office Chief, whatever the constitutional changes in India. The other demands included higher pay, free passages for himself and family, once every four years counting for leave, bigger allowances, relief in respect of house rent, more liberal leave rules, higher pensions, Parliamentary guarantee and option to commute pensions and the reversal of policy with regard to the Indianisation of the Indian Medical Service with a view to ensure adequate supply of European civil surgeons, because on this 'key service' depends the continuation of the other European services!!

A far more unabashed piece of effrontery was the memorandum presented by the C. P. and Berar Association. The frankness with which that memorandum comprehensively cursed the Reforms, the Indian press, politicians and Indian officials, and in a minor key, the



Government of India and the India Office, might stagger any casual reader. It was exactly on all fours with the memorandum of the Civil Servants of C. P. and Berar sent to the Secretary of State for India about eighteen months ago. The Services in that memorandum took the astonishing step of arraigning the Government of India before the Secretary of State, who himself did not escape sly digs. Even the *Morning Post* was constrained to admit that their action was rank insubordination. The present memorandum was the same retouched here and there with a view to its accommodation to the questionnaire. Lord Lee somewhat diplomatically styled the memorandum as "strikingly phrased" and as "possessing contentious and highly debatable matter." It was so full of malicious lies and ill-bred contempt of the Indians that Mr. B. N. Basu could not contain himself, and, as he said, he wanted to blow their case to the winds; but Lord Lee intervened and cut short the examination.

The Bombay European Association which led evidence on the the 11th December at Bombay made out a far more sober case. It thought that European personnel in the Services was already dangerously weak and that any further extension of the scale of recruitment of Indians would not be in the interest of the country. Unlike the Home Civil Service, the Indian Civil Service must rule and administer and take the active share in the legislatures of India and the Provinces. The time had not yet come when politicians untrained in administration could replace the European in secretariats and Council Chambers. The administration should be carried on by the Services at least until such time as a further extension of self-Government was granted.

The Bombay Govt. Servants' Association included in its demands protection against attacks by Indian politicians and it cited the election manifestoes of Mr. Patel and Mr. Petit to show that the position of the Services was likely to be difficult in the future. Mr. Sastri's speech in the Council of State and Dr. Gour's in the Assembly were further quoted to prove the determination of the politicians to control the Services which the latter refused to submit to. But in respect of pay, pension, medical attendance, etc. the Bombay men took up a more reasonable attitude than the U. P. and the C. P. Mr. Dow who appeared on their behalf, however, made a characteristic statement, that he did not place any confidence in the Govt. of India but wanted all Service control to be in the hands of the Sec. of State.

Amongst Indians examined by the Commission the most important were Justice Suleman of Allahabad, Dr. Gour, Dr. Paranjpye and Sir Chimanlal Setalvad of Bombay. Mr. B. J. Dalal, I. C. S. Judicial Commissioner of Oudh, examined on November 24th at

Allahabad, made some curious statements based mostly on fancy, as he admitted, regarding the importance of the European element in the services. They represented the "Big Stick" and India still needed the big stick to keep her going straight! The European as the ruling race was feared and revered and he did not want that delectable arrangement to be disturbed. He did not favour a rapid Indianisation, for even in his own line, the Judicial, the European Judge was far quicker than the Indian. Other Indians who wanted to retain the European Services at their present position were Mr. C. N. Mehta and Mr. G. A. Gavai, M.L.C., who represented the Depressed Classes.

Mr. Justice Suleman, however, had no difficulty in scattering to the winds the criticism directed against Indian judicial officers by Mr. Dalal. It may be true that the European civilian went straight to the root of the matter; but it was truer in relation to criminal causes than civil, though he added that it was the system that was responsible. He also put in a plea for the separation of functions and though Sir Reginald Craddock tried to twit the member with the impracticability thereof, Mr. Justice Suleman stood his ground well. He also protested against the brand of inferiority under which the Indian officers had to work and exposed the hollowness of the cry for allowances etc.

Dr. Paranjpye, who appeared before the Commission on the 10th December, expressed his views in his usual frank manner. He wanted to entirely Indianise the Services like the Educational and the Judicial and thus several posts that are now filled by European I. C. S. men, he would give to Indians. After deducting such posts from the total there will be a certain remainder of I. C. S. posts. That remainder he wanted to fill by recruitment on the basis of 50 per cent Europeans and 50 per cent Indians. The Western Indian National Liberal Association also sent in a strong memorandum that the control of the services in every respect should be transferred from the Secretary of State to the Government of India; that the present scale of salaries was very high and therefore its reconstitution on an Indian basis was urgently necessary; that there was no need at all to increase salaries; that there should be only one scale of payment for Indians and Europeans, the latter getting a small allowance as overseas allowance; that the Educational and the Judicial Services should be immediately Indianised and that in all services the future recruitment should be based on the proportion of at least 80 per cent Indians, while in the Civil Service it should be 80 per cent Indians in the beginning increasing by one per cent per year and in the Police Service it should be 75 Indians to 25 Europeans.

Dr. Gour, giving evidence on the 18th December, in his written memorandum observed that the experience gained of the operation of the Government of India Act justified the appointment not only of the Royal Commission but also of the statutory commission. It was not logical to examine the future of the Civil Services without examining the future development of the country. The Indian Civil Service may have performed useful functions in the past, but he emphasised that the country now required specialists and experts in every branch. In judiciary he would give no place to I. C. S. and would recruit it entirely from the country. The present state created frequent deadlocks, and ending or mending the system was urgently called for. The history of Indianisation, he remarked, was one of melancholy reading, being a series of promises made to the ear and broken to the heart and Indians believed that the European members of the Civil Service were responsible for this. He urged the stoppage of further recruitment to All-India Services, recruitment on short-term contract where necessary, and the establishment of the control of the Government in this country. He thought Europeans in India were paid better than in any other part of the Empire. As for the Services' demand for medical attendance by men of their own race, Dr. Gour said that Europeans cannot expect that their environments must remain unaltered to suit them, however necessary the alteration may be to suit a further development of the country.

Mr. Hidayatullah, Minister of Bombay, in a short statement wanted future recruits to I. C. S. to come on the understanding that their duty would be purely of an executive and advisory character and that they should not aspire to high posts like Governorships and Executive Councillorships. He would however keep the Europeans in comfort and contentment and for this would give the necessary guarantee with the Govt. of India. He would maintain the all-India character of the I. C. S., I. P. S., I. M. S. and I. E. S. and the rest provincialised with imported experts on short-term contracts.

Sir Chamanlal Setalvad, who was a member of the Royal Commission but resigned for private reasons, appeared before the Commission on Dec. 19th. He too recommended that the I. C. S. should not hereafter be appointed to memberships of Government and Governorships. As to the demand for rapid Indianisation, he said that Indian distrust and apparent hostility was not racial but against the system. While the association of the European was necessary during the transition period, such association and the terms on which it was to be secured should at every stage be a matter of determination by the Indian people themselves through the Government of India and the Legislatures. Indianisation without complete control of the Government of India was not what India desired. Instead of

perpetuating the control of the Secretary of State, Sir Chamanlal urged that the step must be boldly taken of delegating those powers to the Government of India in respect of those services which are to retain All-India character and provincializing the rest under the control of the local Government and legislatures.

The question of Indianisation and the position of the Services must be tackled together as a whole. The two things are linked and effect should not be given by the Government to the proposals regarding emoluments immediately while deferring a decision on the question of Indianisation. He strongly resented going into the question of the Services' emoluments without a move towards Indianisation. On Lord Lee remarking that the Commission will deal with that point also, Sir Chamanlal observed that the latter point was bound to be ignored and he was afraid from past experience that such things do happen.

One of the remarkable evidences tendered by the Europeans was of Mr. F. S. A. Slocock, Commissioner of Jubbulpore, President of the C. P. Retrenchment Committee, whose views were strangely in contrast to the other I. C. S. men. His views may be summed up thus: "The cadres of the services should be reduced and superfluous expensive establishments got rid of. All-India Services should be replaced as far as possible by the provincial services and those British officers who are still kept should be well paid. Unless the Government is prepared to pay its British officers' liability it should do without them altogether. For nothing is worse for the prestige of the British Raj than discontented and under-paid British officers."

As for the change in the position of the I. C. S., Mr. Slocock opined that it had reduced the district officer from being the local Government into a mere executive officer carrying out orders of a Government which was controlled not so much by the senior members of his own service as by others. He says the pity is that the position is not yet fully recognised and attempts are still made to camouflage it. He considered that the British element was capable of 40 per cent reduction as soon as such reduction could be effected without injustice and administrative inconvenience.

Mr. Slocock disbelieved the efficiency objection to the Indian officials, and said: "It has always been a mystery to me that the same Government, which handed over control to the Indian politician whose lack of experience and past careers afforded little hope of maintenance of our accepted standards, should be so nervous about entrusting any longer administrative powers to its own tried and efficient Indian officers."

The Commission continued its work in 1924 and further proceedings are chronicled in the next issue of the *REGISTER*.

# The Hindu Mahasabha

BENARES—19th AUGUST 1923

The Hindu Mahasabha commenced its 7th session at Kashi Naresh Hall on Sunday, the 19th August. It was a unique non-political gathering containing delegates from every province. The hall was overcrowded. The number of delegates was about 1,500. The whole gathering numbered over 6,000 with a sprinkling of ladies. Among the distinguished gentlemen present were Pandit Madan Mohan Malaviya, Raja Moti Chand, Mr. C. Y. Chintamani, Raja Sir Rampal Singh, Swami Shradhanand, Swami Dayanand, Anagarik Dharmapal, Babu Bhagavan Das, Seth Ghansham Das Birla, Seth Jugal Kishore Birla, Pandit Jawaharlal Nehru, Pandit Iqbal Narain Gurtu, Babu Purushotamdas Tandon, Principal Dhruva, Pandit Din Dayal, Dr. Munje, Pandit Giridhari Sharma, Dr. Gokulchand Naurang and Pandit Radhakant Malaviya.

The proceedings commenced at 9-20 p. m., with a prayer in Sanskrit by Kaviratna Akhilanand Sharma followed by music.

Raja MOTI CHAND, Chairman of the Reception Committee, then welcomed the delegates. He said the object of the Hindu Mahasabha was to unite the different sects of Hindus in a bond of love. Hindu organisation did not mean any quarrel with any other community. The Hindu religion advocated non-violence and the Hindus could do no injury to any other community. They only wanted to see their own community progress and to protect Hindu civilisation. Unless the Hindus were organised and strong, they could neither serve their own community nor achieve Swarajya for the nation. He also favoured the organisation of the other communities of India because they wanted every part of the nation to be strong. He appealed to the delegates to consider how they could arrest the decline of the Hindus and inspire respect in the hearts of others.

Pandit Dindayal Sharma, a leader of orthodox Sanatanists, then proposed Pandit Madan Mohan Malaviya for the presidentship of the Mahasabha. Swami Shradhanand seconded the proposition. Anagarika Dharmapal, a Buddhist leader of Ceylon, in supporting the motion said all Buddhists held Benares to be the most sacred place in the world and loved India, the birth place of Buddha, as Indians did. When he was a boy he was dreaming that Hindus and Buddhists would unite some day. After coming to India he worked for 32 years alone and unaided, but to-day his dream was fulfilled. He urged the Hindus to reclaim their lost brethren. Ninety per cent of the Kashmiri Mahomedans were Hindus and Buddhists who had been forcibly converted to Islam.

Mr. CHINTAMANI, the Liberal ex-Minister of the U. P. in further supporting the proposition said he had always been a convinced supporter of the movement represented by the Hindu Mahasabha. He knew the movement was liable to misconstruction in certain quarters as being directed against non-Hindu communities. But nothing was further from the truth, at least as far as the intentions and purposes of the promoters of the movement were concerned. He was sure the result of the success of this movement would be not an increase in the differences between Hindus and Mahomedans but greater unification. For the last ten years he had been convinced that there was no more effective means for having Hindu-Muslim unity than by strengthening and unifying the Hindu community. The very circumstance that within a few minutes there had appeared on the same platform the spokesman of orthodox Sanatanist, the revered leader of Arya Samaj, and the leader of Buddhists, proved it was a unifying movement, no one calculated to promote difference. If Sanatanists, Arya Samajists, Buddhists, Jains and Sikhs could find a common platform to work together, the regenerated Hindu community would be a most powerful agency in accelerating the fulfilment of India's national aspirations, and he thought there could be no worthier man than Pandit Madan Mohan Malaviya to preside on such an occasion.

Saint INDER SINGH gave his support on behalf of Namdhari Sikhs for he maintained that they belonged to the Hindu community. Though their creed was Sikhism if Hinduism ever came to be in danger ten lakhs of Sikhs would be ready to die for it.

Pandit Madan Mohan MALAVIYA was then unanimously elected President amidst a great volume of cheers and "Jais"

#### The Presidential Address.

Pt. Malaviya began his address with Veda Path (Recitation of Vedic Mantras) and heartily thanked the audience for electing him president. He laid emphasis on the greatness of hoary Hindu civilisation, the four varnas (caste) and four ashramas (stages) of Hindu society. Paying respects to Buddha he said Lord Buddha, the thrice greatest benefactor of mankind, is worshipped by Hindus as one of the ten incarnations of God. The ten Buddhist commandments exactly tally with Manu's rules about 'achar' and there is no difference between Hindus and Buddhists. He said that the A-rama system of Hindu society was unparalleled in its perfection, which divided life into four parts of Brahmacharya, Garhastha, Vanaprastha and Sanyasa. Ancient great men and sages, Ram and Krishna, Bhishma, Drona, Yudhistira, Arjuna, Vasishtha, Gautama and others were seers of the Hindu civilisation. Tolerance and forgiveness were characteristics of the Hindu society and even in the later age Prithvi Raj captured Mohammad Ghori and set him free. The Hindu ideal is never to hurt or be aggressive to anybody, but at the same time Hindus wished that they should not also be hurt or attacked by others.

The Hindu religion sustained many attacks. Hindus never cared so much for rājya as for dharma. We had fallen down and before the British advent

anarchy and chaos reigned supreme in India, Hindus and Mahomedans both had fallen down and were fighting one another. The British came to India and ruled over India, of course with a selfish motive and interest, but some common advantages have been derived by us. People of different and farthest corners have been brought nearer and together due to railways and telegraphs and on account of a common language and common laws, mutual relations have increased and they have ample facility for coming together. From 1885 to 1915 the Congress strove its utmost and worked hard for India's uplift, although the Mahomedans as a community kept themselves aloof, except a few liberal-minded statesmen. In 1916 all of us joined and drew up a scheme for reform. Something was given, but it was insufficient and incomplete. Since then our condition has been worse. The greatest of Indians and the saint of the world, Mahatma Gandhi (cheers), was most unjustly imprisoned by the Government (Shame) and we have not yet been able to get him released—our weakness and helplessness cannot be greater than this, that we have not yet been able to effect his release. The heart of India is most pained at this Government attitude and explosives are collecting which may one day prove very dangerous. Besides this, our trade and commerce are destroyed. Traders and merchants are impoverished. Government is increasing taxation and our condition and status are pitiable. Formerly the Government had some fear of us, but since Mahatma Gandhi's preachings of non-violence the Government's attitude had completely changed. We have now to consider what is our duty in the present circumstances, what relations we have to maintain towards the Government, Mahomedans, Parsis and other Indian communities.

#### Hindu-Muslim Problem.

Referring to relations with Mahomedans the Pandit said that it was an unhappy, a painful episode. The relations between Hindus and Mahomedans have not been as happy and cordial as they ought to be. During the Bengal Partition days the Government were inciting Mahomedans to attack Hindus. In 1916 in Eastern Bengal inhuman, brutal, unparalleled atrocities were perpetrated on Hindus. Hindu women were outraged by fanatic Mahomedans and many Hindu women had to take shelter in rivers and tanks to protect their honour. Then came the Great War in 1914. In 1914 in the frontier Districts, particularly Muzaffarnagar, Hindu houses were regularly looted and Hindu women dishonoured, but Indian patriots preached not to heed them. By Mahatma Gandhi's advice Hindus worked with Mahomedans and helped them in the Khilafat cause, not because the former wanted something in return, but because they were for the liberty and freedom of every nation and also because of their sympathy for fellow Muslim brothers. The speaker emphasised that he did not attribute such inhuman attacks to good and gentle Mahomedans but to rogues, vagabonds and bad elements of the Muslim society. Again in 1920 brutal and inhuman atrocities were perpetrated on Hindus by Moplahs in Malabar. Hindu houses were looted, women were outraged, male and female butchered with the greatest cruelty for refusing to embrace Islam and many were forced into Islam at the point of the sword. The speaker pathetically and movingly said that it is better to die than to be beaten and oppressed anywhere and everywhere, than to see woman's modesty outraged, temples attacked and burnt and idols broken. The whole of India was severely pained and afflicted at these horrible inhumanities. Due to tolerance we patiently bore all this and drank the bitter dose simply with anxiety and desire that no ill-feeling and differences be created between the two sister communities. The Amritsar episode is not out of memory. At Multan temples were burnt down and women's chastity was outraged and latter on burnt Geeta and Granth Sahib and broken temple idols were found. Next an appeal was issued to maintain unity and peace on Bakrid day, but riots occurred at several places, although not so many as were expected. Our ladies

do not consider they are as safe as 50 years ago. Amritsar Hindu women do not come out of houses so frequently and abruptly as they used to do formerly. Every moment they fear of being dishonoured. Everybody knows what happened at Panipat and at Ajmer. Temples were broken and burnt and idols destroyed.

In such circumstances it is our individual and social duty to increase our strength and be on terms of love and good-will with Muslims. It is most deplorable that Hindus are so fallen that a handful of foreigners can be ruling over us. Fie on the Hindus who live to see the breaking of temples and the outrage of women. Miss Ellis was kidnapped and the vibration pervaded the whole British Empire. Behind English girls and women there is a national strength which protect them wherever they go. So also with Mahomedan women. There was a time when Hindu ladies had also such national backings behind them. Unless we have such strength, we cannot continue among strong nations of the world. Whatever steps we adopt, we should see that we may not harm others and put hindrance to national unity. The main reason of the present disunity is that Hindus are comparatively weak and cannot protect their religion and women. Unity and good-will can exist only between two equally strong parties. When the irresponsible element of Muslims will realise that we can react to the policy of tit for tat they would never venture to attack us.

The Pandit continued : " I solemnly affirm before God I never mean to hurt Muslims or have the supremacy of Hindus over Muslims. If that be the sentiment in me, God may give me the greatest punishment, but I wish that my Hindu brethren be wiped off this earth if they cannot protect their sisters, daughters and others, cannot save the honour of our religion. We are responsible for our weakness. We have forgotten our duty. We should not fight shy of being called Hindus. When Hindus are oppressed we should approach Muslim leaders to devise means to settle disputes. In case riots occur we should settle matters in consultation with leaders of both communities."

Pandit Malaviya then emphasised on girls' education. He laid great emphasis on the importance and necessity of brahmacharya, physical strength and exercise and urged the establishment of wrestling places (Akharas) in every quarter, every town and village. He next urged economy in social functions such as marriages, upanayan and others. He denounced dowry and urged its wholesale stoppage. Regarding untouchability the Pandit spoke very feelingly and tears were trickling down his cheeks when he referred to the untouchables. He said the Hindu Sabha comprises all sects of Hindus. Our untouchables follow the Hindu religion, worship Ram, Krishna and other Hindu Gods, take their meal after bath, and if wealthy, even build temples. (Swami Shraddhanand interrupted : But then they are not allowed to enter those temples and worship there). With tears in his eyes the Pandit then took out the turban from his head and said : "Why should I not place my turban at the feet of my untouchable brother who follows the Hindu religion? Why should I not allow my untouchable brother to have darshan in temples? Full of sins as I am, what right have I to stop my untouchable brother from entering temples?"

Addressing the orthodox Pandits, he then said with folded hands: Oh, learned Pandits, for God's sake do not prevent these brothers from having darshan in temples".

Referring to permission to untouchables for drawing water from wells the president said that Christians and Mahomedans are asking untouchables to embrace their religion, for so long as they remain Hindus they are not allowed to draw water from wells and if they accept their faith, they will not be so outcasted, insulted and disallowed. This exactly happened at Panipat. But this is to be remembered that these untouchables who are so outcasted by high caste people were the first to come to defend the Hindu temple at Panipat when it



was attacked by Mahomedans. Quoting the story of Raja Rantideva, the Pandit said that this Raja after starvation for 48 days got something to eat. A Brahman beggar went to him and he fed him with that food and then successively came two untouchable beggars with dogs to whom Rantideva gave all that he had with the greatest respect and affection. Pertinently remarked Pandit Malaviya : "An untouchable comes under the hottest sun from your labour and is extremely thirsty. I ask what true Hindu is there who will so cruelly prevent these untouchables from drawing water from wells while they do not object untouchables' entry in houses when their services are required. Teach them to be clean. When they travel with us in trains, when they sit with us in schools, we do not object because this has been forced upon us by the Government."

#### Re-conversion.

Referring to the Shuddhi movement Pandit Malaviya said there are 48 crores of Muslims in India of whom not more than fifty lakhs are those who might have come from outside. The rest were converted from Hinduism. Theirs is a proselytising religion while our religion has closed the doors for those who wish to come in our fold. Mullahs have recently prepared an expansive scheme for reconversion of Hindus on a grand active scale in their private very confidential meeting and have scrupulously given no publication to this resolution and they have also collected fifty lakhs, but you will be surprised to know that it has not been scrupulously kept secret. Hindus are converted by dupes. In Gujrat some Mussalmans with notices bearing prints of "Om preach Kalauki incarnation is H. H. Aga Khan" and that they should join that sect. Within 8 years one lakh of Hindus have been converted by Khojas. He asked : "Is there no prayashchitta for those who unknowingly took anything touched by non-Hindus. Malkanas ought to be taken into Hinduism. He asked: "What Hindu is there who has this right to say that some particular man has no right to offer prayers after coming into the Hindu fold?"

The President then referred to a verse in Dharmshastra Mahaprabandha which lays down that those who had been converted to other religion either by force or willingly can be taken back to the Hindu religion if they so desire. He asked the audience to decide this question. Replying to those who say that we should not care for our numerical strength and that those who have already been converted should not be taken into Hinduism, the Pandit said: "When now we are so badly treated with a numerical strength of 22 crores, what would be our condition in future with a much reduced Hindu population, if we allow this rate of conversion from Hinduism and do not allow reconversion into Hinduism?"

#### Resolutions

After the presidential address a resolution expressing pleasure on Lala Lajpat Rai's lease, expressing deep anxiety for his illness and praying for his immediate recovery was unanimously passed with applause.

#### Second Day.

The second day's sitting commenced on 20th August at 3 p.m. to pass resolutions adopted by the Subjects Committee that morning, most of which were non-contentious. The first resolution expressed regret at the demise of Pundit Rambhuja Dutt Chowdhury and sympathised with Srimati Saraladevi Choudhurani. The second resolution passed unanimously runs thus:—

'The Hindu Sabha firmly believes that for the establishment of peace, contentment and Swarajya and to maintain them permanently, it is essentially necessary that people of all castes, creeds and religions should have mutual goodwill and friendly relations, and consequently this Mahasabha urges all Hindus to observe that whatever steps they adopt for the legitimate protection of their community and religion, they should not be against the desired unity in the country.'

According to the third resolution passed unanimously a sub-committee was formed with a view to strengthen the Hindu organisation and to open branch Hindu Sabhas where they do not exist.

The fourth resolution adopted unanimously urged the formation of Servants of India Leagues (Samaj Sevak Dal) in every town and city for social service of the Hindu society and for self-defence when needed, and also urged to work for the maintenance of peace jointly with the believers of other faiths wherever possible.

The other resolutions passed unanimously run thus:—

#### V.—The Maharaja of Nabha

'This Mahasabha expresses its regret at the abdication of the Maharajah of Nabha. In its opinion no Maharaja should be forced to abdicate without his case being placed for consideration in the Committee of the Ruling Princes and without their consent. With a view to vindicate justice and preservation of rights and privileges of the Ruling Princes and subjects of Native States it is necessary that the question of abdication be sent for consideration to the Committee of Ruling Princes even now.'

By the sixth resolution Hindus were urged that for the uplift of Hindu society it is essentially necessary that every Hindu boy and girl should prosecute studies with brahmacharya and physical exercise.

#### VII.—Hindi Language

'For the organisation and progress of the Hindu society it is necessary that every Hindu should learn Hindi. This Mahasabha hopes that all Hindus, either in India or abroad, will learn Hindi and urges those Hindus whose mother tongue is Hindi to conduct their business in Hindi and keep their records also in Hindi.'

#### VIII.—Swadeshi and Boycott

'This Mahasabha expresses its firm opinion that for the religious and economic progress of India it is essentially necessary that boycott of foreign clothes and use of Swadeshi clothes be adopted by all. The use of clothes of yarn spun in India and woven in India is more desirable.'

#### IX.—Cow Protection

'This Mahasabha views with deep concern and regret that cow-slaughter is going on at a high rate in this country. Hence the Mahasabha requests all Hindus to save cows from the hands of butchers and arrange that old cows be sent to the jungles of those Native States where cow-slaughter is prohibited by law. The Mahasabha requests landholders to allot sufficient tracts of grazing fields for cows. The Mahasabha asks railway companies to plant fencing by railway lines where they do not exist so that cows may be prevented from running to railway lines. The Mahasabha urges Hindus not to lend money to butchers who utilise it for cow-slaughter. The Mahasabha also urges Hindus

not to give *GO-DAN* to Brahmins who cannot keep cows and urges Brahmins not to accept *GO-DAN* if they are unable to maintain cows.

### Reconversion Sanctioned.

The House then rose and the Subjects Committee met at 8 p. m. Problems before the Hindu Sabha were not so easy of solution as was thought before. Two days only were fixed for the sittings of the Mahasabha, but the most important questions of the present Hindu society could not be discussed and decided so soon and even after the second day's sitting important questions were left the 20th undecided. After the second day's sitting on the Subjects Committee met at 8 p.m. and continued deliberation till 2-30 a. m. next morning. For full six and half hours discussion continued on the question of reclamation of Malkana Rajputs. The greatest opposition was experienced from orthodox pandits, but they yielded to public opinion all over the country and the more responsible of them announced that as a matter of fact the Malkanas were not Muslims, that their social customs were like those of Hindus and that they could be reclaimed. But the difficulty was not solved here. Great discussion ensued on the wording of the resolution and draft after draft was made and every time the Pandits found something uncongenial to them. The whole house excepting the Pandits which consisted of advanced wings wanted to avoid the intricacies of Shastras, but the Pandits were bent upon inserting the conditions of Shastric injunctions.

The Pandit's attitude towards Swami Shradhanand who was most popular, beloved and respected, was very hostile and it appeared that their opposition to various drafts of the resolution was not so much based on regard for Shastras but on their attitude of intolerance and non-forbearance of the position and popularity of Swami Shradhanand. Their bigotry was strongly resented in the Sanatan Dharma Sabha when they objected to the insertion of the name of Babu Bhagwandas in the Subjects Committee and this time delegates were so much disgusted at this attitude that the house was of a mood that in such circumstances the Pandits should be ignored. Swami Shradhanand's attitude was most commendable. He went on giving concessions to the orthodox Pandits. He seemed anxious more for the passage and adoption of the resolution on reclamation than for sticking to his own advanced views which were shared by the whole house. In spite of the vituperative and indirect attacks of Pandits on him, he maintained forgiveness and was always polite and modest towards them in his speeches.

At 12 p.m. the intolerance of the Pandits reached a climax and a few of them in extreme rage began attacking others and extolling Brahmin supremacy. The house wanted the resolution to be put to votes but the Pandits knowing that they were in a minority objected

to this on the ground that this question should be decided not by votes but by common agreement. At a time it was evident that a split was inevitable, but thanks to the sincerity of purpose of Swami Shradhanand and the compromising and reconciling attitude of Pandit Malaviya a draft was finally agreed upon at 2 a.m.

The next day, 21st August, the Subjects Committee began at 10 a.m. and took up the question of conversion of non-Hindus. The Conference was to begin at 2 p.m. but discussion in the Subjects Committee on the resolution was so much prolonged that it terminated at 4-45 p.m. and hence the Conference had to begin at 5 p.m. In the Subjects Committee the Pandits' attitude was not so much hostile as on the previous night and it appeared that they recognised the force of public opinion, but still they wanted to retain their supremacy. People had lost faith in them, but at the intervention of Babu Bhagawandas who drafted the resolution at the last stage common agreement was arrived at and his resolution was unanimously accepted.

### Third Day

The third day's sitting of the Mahasabha began at 5 p.m.

The following resolutions were put from the Chair and adopted unanimously :

(1) This Mahasabha expresses its contempt for the action of those rowdy Mussalmans who attacked the procession of Shri Jagannathji at Ajmer, burnt Hindu temples, broke idols and beat and robbed the innocent Hindu population, and offers its sympathy and condolences to the families whose members have been killed by rowdy Mussalmans.

(2) This Mahasabha is of opinion that the time for *arates* of Hindus and *nimaz* of Mussalmans is a fixed one and hence both should perform their religious functions with peace and quiet. This Mahasabha expects that Muslim leaders will not let fights about *arree* and *nimaz* occur in future.

This Mahasabha expresses its sympathy and admiration for the Hindus of Panipat who for the protection of their religious privileges observed peaceful hartal for ten days.

The next two resolutions related to the reclamation of Malkanas and conversion of non-Hindus into Hinduism. Some leaders of the orthodox Pandit party proposed and supported it.

Pandit Gridharisharma Shastri, Principal, Sanatana Dharma Oriental College, Lahore, proposed :—

This Mahamandal is of opinion that it is by all means proper and desirable to reclaim and admit in our society, after Prayaschitta according to Shastras, all those Malkanas who are for some years called Neo-Muslims, who follow the principal customs of Hindus and whose marriage relations are pure, whether they be Rajputs, Brahmans, Vaishyas, Jats, Gujars or of whatever community.

This Mahasabha expresses its great pleasure and satisfaction on the reclamation and admission into the Hindu Society of those Malkanas and hopes that the Hindu societies with which they are connected will gladly and heartily welcome them back.

Swami Dayanand of the Bharat Mahamandal seconded the resolution. Raja Rampal Singh, Member, Council of State, the Raja Saheb of Tirwa and Thakur Tilakdhari Singh strongly supported the resolution which was adopted with long continued cheers.

#### Reconversion to Hinduism.

Mahamahopadhyay Pandit Hathibhai Shastry of Jamnagar, Kathiawar, proposed:—

The feeling is strong at present among the Hindus that the Hindu society is dwindling and becoming weaker day by day on account of its doors being open for easy conversion from Hindu society and its doors being closed for conversion and admission into Hinduism of outside people, and hence recognising this to be a time of transition (Apatkal) this system, process or custom should be stopped. Realising this feeling all over India and the transition and the change in time, this Mahasabha resolves that a committee of scholars (Vidvat Parishad) be appointed by the executive body of the Hindu Mahasabha which, from the point of public good and need of the time and the country, should deliberate upon this question and give its advice to the executive body of the Mahasabha as to how and how far this feeling and desire all over the country can be satisfied according to the preachings and interpretations of Shastras.

Mahamahopadhyay Pandit Jayadeva Misra, a stalwart among orthodox Pundits, seconded this resolution and Pundit Satyacharan Shastry of Bengal, Pundit Haranarayan Shastry, Professor of Sanskrit, Hindu College, Delhi, and Pundit Hariharswarup Shastry of the Punjab supported. Swami Shradhanand was given loud and prolonged cheers when he rose to support it. Babu Bhagwan Das was also given long and enthusiastic cheers when he rose in support of the resolution. He delivered a learned and scholarly speech and even his greatest opponent among the bigots and orthodox conservative Pundits admitted his great scholarship and learning. It was the best and the most scholarly speech delivered in the Hindu Sabha. The resolution being put to vote was enthusiastically accepted by all with loud and long cheers. The Mahasabha then adjourned to the next day.

The Subjects Committee meeting on the 22nd morning was most stormy when it discussed the question of untouchability. The orthodox Pundits were strongly against the removal of untouchability. Mahamahopadhyay Pandit Jaydeva Misra spoke against the removal of untouchability and appeared to be out of temper. He said he could not stay in an Assembly which discussed to uproot the Shastras and allowed untouchables to draw water from wells, to enter temples, to sit in meeting with higher castes etc. In the end he appealed to Pundits to leave the Subjects Committee. He himself left immediately. Many Pundits followed him and great disorder prevailed. Pundit Dindayal Sharma and his son who posed to be the greatest well-wishers of untouchables also left. For a time it appeared that a split had occurred and the Pundits could in no way be

reconciled. Pundit Madan Mohan Malaviya then left the hall to bring back those who had left in hot temper. In a few minutes he succeeded in bringing them back. After an hour of further discussion the draft of the resolution on untouchability was accepted on an appeal from Swami Shradhanand to avoid a split.

### Last Day's Sitting.

On the fourth and last day's sitting of the Mahasabha a resolution was put from the chair and passed regarding the formation of branch organisations in every town and village.

The following resolutions were put from the chair and accepted :—

(1) For the protection of moral and religious education and livelihood of Hindu widows the educative body of the Mahasabha with the advice of a committee of scholars do place a scheme in the next Mahasabha.

(2) In the opinion of the Mahasabha, for national strength and protection of religion, it is essentially necessary that girls before 12 and boys before 18 should not be married.

(3) This Mahasabha welcomes Hindu brothers returned from the Colonies and requests their communities to give them all their old privileges and afford them all facilities according to Shastras.

(4) This Mahasabha strongly condemns the unjust and partial treatment meted out to Indians in Kenya and proclaims that as long as Indians are not given all equal rights with Europeans, India cannot be satisfied.

(5) This Mahasabha expresses its regret over the difference and conflict between Akalis and other Sikhs over the management of Gurdwaras. This Mahasabha directs its executive body to negotiate with the Gurdwara Prabandhak Committee and the Udaseen Mandal for the formation of a sub-committee which, after full enquiry, would try to remove mutual bitterness and conflict and to maintain goodwill.

This Mahasabha is greatly pained to learn that idols have been removed from Gurdwaras and directs the Executive Committee to do the needful in this connection through the above mentioned sub-committee.

### Madras Endowment Bill.

The President moved a resolution regarding the Madras Religious Endowment Bill, asking the Viceroy not to give his assent. Mr. A. S. Ramiah, delegate from Malabar, opposed this saying that opposition to the Endowment Bill was only from orthodox Pundits who wanted to drive out non-Brahmins from share in maths. As a Madrasi had opposed and delegates were not much enlightened on the subject, the President had to withdraw this resolution on account of the opposition of the House as it was not fully acquainted with the bill, although the President said he was very keen on the resolution. Subsequently the resolution was dropped.

### Welcome to Buddhists.

Pandit Dindayal proposed and Swami Shradhanand seconded :—  
The Mahasabha learns with pleasure that the desire to visit Gaya and Kashi on pilgrimage is daily increasing among our Buddhist brethren of Ceylon, Burma,

Japan, China, Siam and other countries. This Mahasabha welcomes those pilgrims and assures them that the people of this country consider it their duty and glory to welcome and receive them with due respect and courtesy.

Anagarika Dharmapal, leader of the Buddhists, thanked Hindus for this resolution. Mr. G. K. Nariman of Bombay, the Buddhist representative, also thanked the Mahasabha on behalf of Buddhists. Later on the President announced that Anagarika Dharmapal had contributed one thousand rupees to the Hindu Mahasabha in token of the cordial relations between Hindus and Buddhists. The announcement was received with loud applause and "Buddha Bhagwan-ki Jai."

### Untouchability.

The resolution on untouchability was next moved :—

This Mahasabha is of firm conviction that with a view to keep faith in Hinduism in the heart of untouchables it is necessary to make arrangements for their education on sanitation and religion, also to allow them to read in schools, to draw water from wells, to have Darshan in temples and to sit in public meetings. The executive body of the Mahasabha, in consultation with a sub-committee of Pandits, should make arrangements for the same.

The resolution was supported by orthodox Pundits and representatives of orthodox institutions. This was the greatest triumph of Pandit Madan Mohan Malaviya, that he reconciled and brought round even orthodox Pundits who a few hours back were hostile.

After a Chamar (untouchable) had supported, the leader of the untouchables, Krishna Phagu of Nagpur, came to the dais to support the resolution. Delegates wanted to know his caste and some delegates cried that he was a sweeper. Upon this some orthodox Brahmins and Pundits began to raise an uproar with the cry that they could not allow a sweeper to address them. After a few minutes the disorder was stopped by Pandit Malaviya who assured those Pundits that Mr. Phagu was not a sweeper but only a Mahar of Nagpur.

The resolution was then put to vote and carried, only a few hands being raised against.

After a vote of thanks to the Chair had been proposed Pandit Malaviya delivered a short but moving speech in conclusion and said that his life was for the service of society. He exhorted Hindus not to hurt or wound the feelings of non-Hindus. They must never forget that India was a land of various religions and diverse creeds and its interests required that followers of those creeds should live on terms of mutual good-will. If Hindus ever raised their eyes towards a mosque or a church, it must be in a spirit of respect and veneration. If Hindus wanted to be strong, let them remember that strength was always capable of great patience and endurance. Even if others tried to violate their temples, they must

use force only to the extent of defending them. They must never yield to the idea of retaliation. They must look upon all women, whether Mahomedan or Christian, as their sisters and mothers. In the end he said : " Let all be happy, let all be saved from calamities, let all have prosperity and let no one have any sort of difficulty."

The Mahasabha then came to an end with loud cries of " Hindu Dharm-ki jai " and " Malaviyaki jai."

#### The Executive Committee

On the 27th August the Executive Committee of the Hindu Mahasabha met at Benares and transacted some urgent and important items of business. It was decided to have the Central Office of the Mahasabha at Benares for the year. A Committee consisting of Babu Bhagawandas, Mr. Guruprasad Dhawan, Pandit Ramakant Malaviya and Professor Gangaprasad Mehta was formed to draft rules according to the constitution. It was also resolved to circulate widely all over the country the rules, aims and resolutions passed by the Mahasabha. Nine Sub-Committees for various provinces were appointed to get branch Hindu Sabhas established with the following members as conveners : Raja Durga Narayan Singh and the Raja of Tirwa for the U. P. Sub-Committee ; Pandit Nekiram Sharma for Delhi, the Punjab and the Frontier Provinces ; Kunwar Chandkaran Sharda for Ajmer, Malwa and Gujrat Provinces ; Mr. Bajinath Chaturvedy for Bengal and Assam ; Swami Atma-Swarup for Sindh ; Dr. Munje for C. P. Maharashtra and Berar. The President was authorised to appoint Sub-Committees for the remaining Provinces.

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# The Congress & The Rise of the Swarajists 1923

9(b)

# Rise of the Swarajists

Immediately after the Congress at Gaya Mr. C. R. Das resigned his presidentship of the Congress and formed a new party, named the "Congress-Khilafat Swarajya Party," of those who favoured Council-entry. (See after Gaya Congress and the Introduction to Cocanada Congress given elsewhere.) The resignation however was not accepted and Mr. Das continued to be the nominal head of the Congress, and at the same time he was organising his own party inside the Congress. The new party did not secede from the Congress but worked strenuously to convert their minority into a majority. The programme of this party was issued in detail after a meeting of the Council-entry party at Allahabad on February 28th, 1923, as follows.—

## The First Swarajist Programme

"Whereas this party within the Congress was formed and constituted at Gaya on the 31st December 1922, and whereas by its manifesto bearing the said date it accepted the creed of the Congress, viz., the attainment of Swaraj by all legitimate and peaceful means, and whereas by the said manifesto it further accepted the principle of Non-Violent Non-Co-operation as guiding and shaping its activity, but with a determination to apply it rationally to prevent the said principle from generating into a lifeless dogma,—

Now this party declares that that policy of Non-Violent Non-Co-operation shall include on the one hand all such activity which tends to create an atmosphere of resistance making Government by bureaucracy impossible with a view to enforce our national claim and vindicate our national honour, and, on the other hand, it shall include all steps necessary for the gradual withdrawal of that co-operation by the people of this country without which it is impossible for the bureaucracy to maintain itself.

And Whereas it is further necessary to define the attitude of this party to the question of CIVIL DISOBEDIENCE,—

Now this Party makes the following declaration :—that at present Civil Disobedience is not a question of practical politics and that it cannot be artificially organized ; that whilst fully accepting the same as a legitimate weapon which must be used and applied when the country is prepared and occasion demands, it recognises that such disobedience can only be based on the obligation to obey a higher law, and determines that the application of Civil Disobedience must depend on the vivid realization of such duty by the people of the country and the attitude of the bureaucracy with regard to such realization, and that, therefore, it is impossible to fix any time or date for starting it, but that in the course of the work of this Party, according to the programme which is hereinafter set out, whenever such occasions would arise, this party would conceive it to be its duty to resort to such Civil Disobedience as circumstances may then demand.

And Whereas it is necessary to frame a detailed programme, of work in pursuance of the principle above enumerated,—

Now this party resolves upon the following PROGRAMME, that is to say,—

1. While the goal of the party is the attainment of Swaraj, the immediate objective of the party is the speedy attainment of full Dominion Status adopting such a machinery and system as are most suited to the conditions of the country and to the genius of the people.

## THE SWARAJYA PARTY

2. The party will formulate a definite programme of organising and instructing the electorates.

3. The party will set up Nationalist candidates throughout the country to contest and secure seats in the Legislative Councils and the Assembly at the forthcoming general elections on the following basis. (a) They will, when they are elected, present on behalf of the country its legitimate demands as formulated by the party as soon as elections are over and ask for their acceptance and the fulfilment within a reasonable time by Government. (b) If the demands are not granted to the satisfaction of the party, occasion will then arise for the elected members belonging to the party to adopt a policy of *uniform continuous and consistent obstruction* within the Councils with a view to *make Government through Councils impossible*. But before adopting such a policy, the representatives of the party in the Councils will, if necessary, strengthen themselves by obtaining an express mandate of the electorates in this behalf. (c) Detailed instructions in this behalf will be given by the party after the elections are over. (d) In no case will any member of the party accept office.

4. The party will also contest elections to local and municipal boards in the several provinces with a view to secure control for the Nationalists over local and municipal affairs.

5. The party will take steps to organise labour in the country, industrial as well as agricultural, including ryots and peasants, with a view to protect and promote its interest and enable it to take its proper place in the country's struggle for Swaraj.

6. The Party will frame a plan for the boycott of selected British goods on the advice of a sub-committee and will put it into operation as a political weapon in pursuit of its aims.

7. The party will accord its full support in such manner as it thinks necessary, to the carrying out of the constructive programme of the Congress in relation to Swadeshi, Khaddar, Temperance, Untouchability and the promotion of National Education and Arbitration Courts and will also exert to increase the number of members on the Congress rolls.

8. This Party will take immediate steps, as a temporary measure and until greater national solidarity is achieved, to promote the formation of what may be called the *Indian National Pact* in the several provinces by means of which all reasonable communal claims may be guaranteed and disputes and differences may be settled in order that the attainment of the nation's freedom may be facilitated. The Lucknow Compact will generally govern communal questions as between Hindus and Moslems and efforts will be made to bring about a similar understanding regarding the claims and interests of other communities like the Sikhs, Parsis, Jews, Indian Christians (including domiciled Anglo-Indians, Non-Brahmins and Depressed Classes in the several provinces.

9. The party will take steps for India to participate in the formation of a *Federation of Asiatic countries and nationalities* with a view to secure the promotion of Asiatic culture and mutual help in the matter of trade and commerce.

10. The party will take steps to start, maintain, revive and reorganise agencies of foreign propaganda for Indian affairs with special reference to the dissemination of accurate information and the securing of the sympathy and support of foreign countries in this country's struggle for Swaraj.

11. The party resolves that the scheme of Swaraj prepared by Sjt. Chittaranjan Das and Babu Bhagwan Das be circulated and that opinions be invited and that a committee consisting of the said gentlemen be appointed to collect opinions submitted to them or expressed in the country, and the said Committee do submit their scheme of Swaraj after a full consideration of such opinions to this party within six months from now.

## The New Party.

The outline scheme of Swaraj drafted on the Congress Khilafat Swaraj Party, prepared by Mr. C. R. Das, was laid before a meeting of leading members of the New Party at Bombay on the 29th January 1923. There was no time to discuss it properly. Many of the members present (from almost all the larger Congress Provinces) expressed a general approval. Others reserved their opinions. But it was unanimously agreed that the draft should be placed before the Indian people, through the press, and suggestions and criticisms invited.

## The First Swaraj Scheme.

*The following is the text of the Swaraj Scheme prepared by the New Party :*

## Chapter I—Essential Principles.

The principles which guide this outline are those which have been honoured in India from time immemorial and have been reiterated in the Presidential address of the Gaya Congress, in December 1922, thus :

To form a scheme of Government, regard must be had (1) to the formation of local centres more or less on the lines of the ancient village systems of India ; (2) the growth of larger and larger groups out of the integration of these village centres ; (3) the unifying State should be the result of similar growth ; (4) the village centres and the larger groups must be practically autonomous ; (5) the residuary power of control must remain in the Central Government, but the exercise of such power should be exceptional and for that purpose proper safeguards should be provided so that the practical autonomy of the local centres may be maintained and at the same time, the growth of the Central Government into a really unifying State may be possible. The ordinary work of such Central Government should be mainly advisory.

Briefly a maximum of local autonomy carried on mainly with advice and co-ordination from and only a minimum of control by higher centres which will have some special functions besides. To this should be added that every possible care should be taken to ensure that the people's elected representatives, who will constitute the chief authority for each grade of centre, local and higher, with power to make laws and rules shall not be self-seekers but seekers of the public welfare.

## Chapter II—Administrative Divisions.

## (a) Local Centres :—

1. The foundations of the whole administration should be in local centres (Gramas), small but practically autonomous.

2. A local centre should ordinarily consist of a number of villages of which the population should total about ten thousand souls.

## (b) Town Centres .—

3. Towns (Nagar) should form a separate entities and might, as necessary, be sub-divided into wards or quarters, of about the same population limits as the rural local centres.

## (c) District Centres :—

4. Rural and urban local centres should be integrated into larger groups or district centres (Zila) with populations of from five to twenty lakhs.

## (d) Provinces :—

5. District centres should be integrated into provincial organisations.

## THE SWARAJYA PARTY

6. Provinces (Sooba) should be demarcated on the linguistic basis. Any which are considered too large may be divided into smaller ones.

(e) All-India Organisation :—

7. The Provincial organisations should be integrated into and be co-ordinated by an All-India (Bharata Varsha) organisation of Hindusthan.

8. Subject to these general principles, each province should draw up its own scheme of administrative divisions to suit provincial variations.

## Chapter III—Administrative Functions.

Functions should be as below :—

A. (i) Provision for appropriate education of all educable children and youth of both sexes (Shiksha or Talim), (ii) Provision for recreation (vinoda or dilbastagi) e.g., Public Gardens, Parks, Museums, Playing Grounds, Libraries, Reading Room, Art Galleries, Popular Lectures, Recitations, Processions, Pageants, Religious Festivals (Katha Yatra, Kalakhepam, Kirtana, Ramliila, Krishna Leela, Maulad, Christmas and Easter celebrations etc.) refining, elevating and instructive Dramas, Cinema and Magic Lantern shows, Games and Sports, etc.

B. Provision for Protection (Raksha or Hifazat) by means of (i) Police and local Militia and Regular and Military Forces; (ii) Justice and Settlement of Disputes, through Arbitration; Courts or Panchayats in the narrower sense and Registration of Deeds; (iii) Appropriate Medical Help and Sanitation.

C. Provision for Economic and Industrial Welfare (Jivika or Maash) by promotion of (i) Agriculture (Krishi or Zira-at), (ii) Cattle-breeding (Goraksha or Taraqqi Maweshi) i. e. increase and preservation of domestic animals of all kinds for purpose of milk, wool, plough, transport etc. (iii) Other productive Industries relating to Mines, Forests, Fisheries, Salt, Sericulture, etc. (Akara karma or Madaniyat etc.); (iv) Arts and Crafts and Manufactures of all kinds (Shilpa or Sanaat-hirfat); (v) Trade and Commerce (Vaniyya or Tījarat) and (vi) by promotion and regulation of the various means which subserv the above e.g. Railways, Post and Telegraph, Shipping, Roads, Waterways, Canals, Bridges, Ferries, Presses, Public Buildings, Monuments, Rest Houses, Currency, Measures of food and famine Relief, Rates and Taxes, Tariff and Customs, Surveys of various kinds (Geographical, Geological and Botanical, Meteorological, Statistical, Archaeological etc.), Friendly relations with other States etc.

D. The above provisions would be made (i) by means of laws and rules which would be framed by the different grades of Panchayats, and would have force within the domains of their respective makers, the enactments of the lower grades of Councils being made with advice from and co-ordination by the higher when needed; (ii) by appointment of executive officials (who would be wholly responsible to the Councils appointing them); to carry out the laws and rules and (iii) by supervision of the work.

## Local Centres.

A. Local Centres or Communes and Local Panchayats :—(a). For each rural or urban local centre, or commune there should be one local panchayat of 21 periodically elected members. (b) This panchayat should be in charge of the different functional departments mentioned above, so far as the commune affords scope for them, and should carry on the work by means of Sub-Committees. (c) Under Education :—(i) They would maintain local schools giving elementary, cultural and vocational technical instruction and (ii) would provide for suitable recreation. (d) Under Protection :—(i) they would appoint their own Chaukidars (watchmen) and would form local Militia out of such Chaukidars and other able-bodied men, and provide for their proper training; (ii) they would arrange for Arbitration Courts (the members of which would be separately elected) which would deal with simple evils including what are now

known as rent and revenue ('divani' and 'mal' or 'artha vivada') and criminal (Faujdari or Parushya Vivada) cases; (iii) they would also maintain an adequate Hospital (Chikitsalaya, Shafa-Khana) and Medical Staff which would provide treatment free and be responsible for the proper sanitation of the commune. (e) Under Educational and Industrial Ministration they would see (i) that all arable lands are properly tilled, and village commons, playing grounds, pasture lands, groves, orchards etc., are properly maintained and a sufficiency of necessities, specially corn, cotton, and cattle (or other forms of food, clothing and accessories, in specially circumstanced tracts) for the use of the commune is always available within their jurisdiction; (ii) that co-operative organisations in the shape of stores, banks etc. maintained in the needed numbers; (iii) that wells, tanks, tals, canals, and all means of supply of good water for drinking and other domestic purposes and for irrigation, and all roads etc. within their commune are properly maintained; (iv) that production of surplus corn, cotton, cattle and other necessities as well as comforts, and of mineral and other products and means of increasing the wealth of the locality is encouraged, cottage industries promoted, and arrangements made for commercial dealing with the produce in such a manner as to avoid competitive waste.

#### District Panchayats.

B. Intermediate Centres or District and District Panchayats. (a) The District Panchayat should be constituted by each Local Panchayat (or group of Local Panchayats) periodically choosing one member, who may or may not be one of them; provided that the total number of members should not exceed 100 and provided also that at least  $\frac{2}{5}$  of them should be residents of towns. (b) They would form sub-committees among themselves on the lines before mentioned. (c) The District Panchayat would generally advise and not control the Local Panchayat in respect of all functions. Special provision would be made for such control as may be occasionally or absolutely necessary. (d) (i) Under Education: the District Panchayat should maintain one or more higher educational institutions (like colleges and high schools) as may be necessary, which would give cultural as well as technical instruction. (ii) They would also provide Recreation, arranging for the more expensive items, which may not be within the means of the Local Panchayats. (e) Under Protection, they would (i) co-ordinate the Local Police; (ii) arrange to maintain some special Reserve or District Police; (iii) organise and co-ordinate the Local Militia so that they might discharge the functions of a disciplined Army, and (iv) maintain one or more larger Hospitals and supply of medical and sanitary advice to their communes. (f) Under Economic and Industrial Ministration the District Panchayat would (i) co-ordinate the Local Banks and Stores and other local economic and industrial and commercial enterprises; and (ii) organise or promote such independent enterprises.

#### Town Panchayats.

C. Town Centres and Town Panchayats. (a) Aggregations of dwellings containing ten thousand or more inhabitants should be regarded as Towns. (b) Towns should be organised in the same way generally as the rural Local Centres, and the same general principles should be applied to their functioning as to the rural Local Centres as far as practicable, but regard must be had to the special variations in the economic and other circumstances. (c) For the purposes of the integration of the District Centres and the election of the District Panchayats, the rural and the urban Local Centres should be counted side by side as component units; and the headquarters or the seat of the District Panchayats would ordinarily be the largest town of the district. (d) For the purpose of unifying the administration of each town as a single whole, the Town members of the District Councils, together with such other members as may be specially elected

by the Ward Panchayats, in the proportion of two or more per ward, should form a Town Panchayat (like the present Municipal Boards) which would be intermediate between the Urban Local (i.e., Ward) Panchayat of all the main ryots and the District Panchayat, and would discharge as many of the functions of the District Council towards the whole town as may be conveniently possible.

#### Provincial Panchayats.

D. Provinces and Provincial Panchayats. (a) The Provincial Panchayats should consist of members elected by the District Panchayats in the proportion of one for every two lakhs of the population, provided that the total number should not fall below 21 nor exceed 100; and provided also that at least half the number should be urban residents. They may or may not be members of the District Panchayats. (b) The Provincial Panchayat would advise the District Panchayats and would co-ordinate them and their work, using residuary power of control under proper safeguards. (c) Its special work would be, (i) to maintain advanced Educational Institutions (in the nature of Vidya Pithas, Dar-ul-Ulema, "Seats of Learning," "Centres of Knowledge," Universities) which would give expert culture and technical training and promote research; (ii) to maintain special Police and Military Forces for the guarding of Frontiers, Sea Boards, etc.; (iii) to make provision for justice in special cases; (iv) to administer Provincial Railways, Water-works, Canals, Roads etc.

#### The All-India Panchayat.

E. The All-India Panchayat. (a) The All-India Panchayat should consist of members elected by the Provincial Panchayats in the proportion of one for every thirty lakhs of population, but provinces which may have a total population of less than thirty lakhs would send one representative. At least three-fifths of the members should be urban. (b) The functions of the All-India Panchayat would be similar to those of the Provincial Panchayat, *mutatis mutandis*, a special one would be to deal with neighbouring States (including Indian States) and foreign countries. (c) The All-India Panchayat should create a consulting Senate, consisting of eminent men and women of thought and special knowledge, belonging to all parts of India, who would be elected by the Indian Panchayat, from time to time, without restriction of numbers etc., and who would be asked for advice on any subject, as needed, by the India Panchayat or the Provincial Panchayats. (d) The language of the India Panchayat should be Hindustani while the provinces would use their mother tongues.

F. Special Provision for filling up vacancies. Generally if a member of lower Council is elected to a higher his place may be filled up by a new election by the same electorate.

#### Chapter V. The qualifications of the Choosers and the Chosen.

1. Every individual of either sex who has resided in India for at least seven years, and is at least 25 years of age if a man, and 21 years if a woman, should be entitled to elect to the Local Panchayat.

2. The members of the Local Panchayat should elect to the District Panchayat.

3. The members of the District Panchayat should elect to the Provincial Panchayat.

4. The members of the Provincial Panchayat should elect to the All-India Panchayat.

5. The members of all four grades of Panchayats should be permanent residents of the country, preferably of the particular centre, and should be chosen irrespective of their creed, caste, class, color, race or sex, but subject to adjustment, where unavoidably necessary, for purposes of creedal or communal representation.

6. Such representatives should ordinarily be not less than 40 years of age; should have done some good work in any walk of life, should, if rural, be at least literate, and if urban, should possess higher educational qualifications and, in the case of rural and urban members of the Provincial and All-India Councils, should have a corresponding higher and superior educational qualification or equivalent expert experience, should have retired from competitive business or other professional life of bread-winning or money-making, and be able to support themselves on their own savings, or be assured of all necessities and personal requirements by their families or friends; should give practically all their time to national work, and should do so without any cash remuneration. But their travelling and other ex-officio expenses, which might be necessary to enable them to discharge their public duties, should be met from State funds, and their status as members of Panchayats should be regarded as having greater honour attached to it than any salaried office, so that they would receive precedence at public functions.

7. The members of each Panchayat should possess, between them, experience of all the main departments of the communal life which they have to administer.

8. No one should offer himself or canvass for himself as a candidate for election, but if requested by electors he might publicly signify his consent to accept the burden of office, if elected.

## Chapter VI. Separation of Functions.

1. Throughout the whole administration Legislative, Judicial, and Executive functions should be kept separate from one another.

## Chapter VII. Finance.

1. The revenues needed to meet necessary expenditure should be raised by the Local Panchayats by means of taxation with advice from the upper Panchayats.

2. State factories might be opened as necessary with a view to prevent waste by individual competition, over-production, bad production etc. to cheapen commodities and to reduce taxation, but not so as to create monopolies and stifle private enterprise.

3. Where practicable, Local and District Councils should make such improvements in the locality as might result in addition to the communal income e.g., public wells, tanks, canals, roads, groves of timber and fruit trees etc., and thereby lead to reduction of taxation.

4. Contributions would be made by the Local Panchayats to make up the revenues of the District Panchayats by them to the Provincial, and by the Provincial to the All-India Panchayat.

5. Special taxation might be imposed by the Provincial and All-India Panchayats.

## Chapter VIII. Proprietorship.

1. Private property would be recognised and maintained and the growth of individual wealth, both moveable and immoveable, would be permitted but so as not to encroach on or make impossible or impracticable the growth of public possessions as well; and the owners of individual wealth, who spends it on pious works i. e., works of public utility as requested by a Panchayat would receive special marks of honour.

This elaborately drawn scheme, though it served to show to what high pitch the Swarajists had tuned their aspirations, did not draw much attention and within a few days its very existence seem to have been forgotten. The only point about the Swaraj-



ists which lived and spread and developed was that it was a party of destruction, out to fight with the bureaucracy with its own weapon, to destroy it if possible or obstruct it in every turn by all the means at their command. There stood no other constructive scheme to their credit.

### Moulana Azad's Efforts for Re-union.

Meanwhile efforts were made by Maulana Abul Kalam Azad to settle the differences between the new party and the Congress. First he managed to secure a meeting of the Working Committee of the Congress at Bombay in the last week of January and proposed to it the following scheme of settlement :—

"1. That both parties should whole-heartedly unite to work the Gaya Congress Programme for the next three months. 2. That there should be no propaganda or talk about any change of the programme relating to the Councils during that period or the formation of a New Party. 3. That if at the end of that period Civil Disobedience was decided upon, both parties should continue to work for it. 4. That if on the other hand no such step was found possible, a Special Session of the Congress should be held in June to consider the situation. 5. That for one month before the Special Congress both parties should be free to educate public opinion according to their views. 6. That the decision of the Congress should be carried out by both sides without forming separate parties."

After some discussion the above terms were unanimously agreed to by the Working Committee, and the Maulana Sahab was requested to place the matter before Mr. Das for the acceptance of himself and his party. Mr. Das however could not accept them *in toto*. The members of the Working Committee also met Mr. Das and had a discussion with him. He expressed his inability to accept the Maulana's scheme of settlement, but proposed other terms which involved the suspension of the boycott of Council propaganda at once and without reference to any Special Congress. The Working Committee considered this proposal but found it impossible to accept. Maulana Abul Kalam Azad, however, undertook to press his own scheme again on the leaders of the new party. As a result of his further efforts he was able to bring over Hakim Ajmal Khan and Pandit Motilal Nehru to his point of view and they whole-heartedly accepted his terms. A message to this effect was issued on the 12th of February. He then proceeded to Calcutta to discuss matters again with Mr. Das. After further consultation and discussion with the Maulana Sahab and Pandit Motilal Mr. Das re-drafted the Maulana's terms with the addition of a clause regarding election machinery for the special session of the Congress. The terms of his draft and his letter annexed are given below :

1. A meeting of the All-India Congress Committee will be called without delay with a view to summon a Special Session of the Congress about the middle of June. 2. In case a Special Session of the Congress is summoned by the All-India Congress Committee as stated above, both parties while adhering to their respective opinions agree to suspend their differences and jointly work the programme as laid down at Gaya till the end of April. 3. There should be no propaganda by either party concerning Council elections till the end of April. 4. The All-India Congress Committee will meet in the first week of May, and if in view of the situation at the time it decides to undertake immediate Civil Disobedience generally throughout the country (i. e. in the majority of the Congress Provinces), both parties will join in such Civil Disobedience and there will be no session of the Congress. 5. If, however, the All-India Congress Committee declares against such Civil Disobedience, both parties will thereafter be free to educate public opinion according to their views. 6. Further, if the A. I. C. C. in May declares against such Civil Disobedience, arrangements will be made in all the Provinces, as early as possible, in order to enable the election of delegates to take place on fair and impartial lines. 7. The decision of the Special Session will be binding on both parties. 8. The Compromise shall cease to have effect (any binding force on the Parties) in case the existing Councils are dissolved by the Government before the expiry of the full terms for which they have been constituted.

#### Mr. O. R. Das's Letter to M. Azad.

Mr. Das wrote at the same time :—

"Dear Maulana Sahib,—The accompanying draft expresses the terms upon which I am prepared to enter into a compromise with the Majority Party. This will not prevent my Party from raising funds, without making any propaganda on the question of Councils, from those who are willing to trust to the judgment of the members of our Party as to the way in which such funds are to be spent. I undertake not to call any meetings to raise such funds.

"It is understood that to give effect to term No. 6 the following or a similar arrangement to my satisfaction must be accepted :—

"(a) For every constituency (district or local) returning delegates to the Special Congress an additional Secretary will be appointed belonging to the Party to which the existing Secretary is opposed. (b) In the Provincial Congress Committees, too, the same arrangement will be made. (c) There will be two returning officers for each constituency, one belonging to each Party. (d) There will be an election board in each province, consisting of two members, one to be nominated by each Party. These two members will decide a third person to whom all election disputes will be referred in case of difference.

"This Board will be at liberty to modify the existing election rules to suit the circumstances of the Special Congress and for such purpose the powers of the Provincial Congress Committee will vest in them. This Board will in all matters be responsible for conducting the election of delegates."

"I further desire to make it clear that my acceptance of the terms mentioned is subject to the approval of our party."

The safeguards mentioned showed with what great suspicion the Congress organisation was looked upon by the new party. Obviously no compromise with such a background of suspicion was possible, and it seemed that the efforts of the peace-makers were only bringing up to the surface the worst features of our National character.

Meeting of February 20th.

The new party met at Allahabad on FEBRUARY 20th and ap-

pointed a special committee with authority to agree on their behalf to such terms of settlement as they might approve after discussion with the Working Committee which was to meet at Allahabad on February 26th. Four sets of proposals were considered during the conversations at Allahabad between the Working Committee and the new party's special committee. Two of them implied suspension of the resolution regarding the boycott of the Council elections without reference to any fresh Congress Session. Of the other two, one was Maulana Azad's proposal as modified and added to by Das and the other was the following :—

1. Suspension of Council propaganda on both sides till the 30th of April. 2. Both parties to be at liberty to work in the remaining items of their respective programme in the interval without interfering with each other. 3. Each party to adopt such course after the 30th April as it may be advised. 4. No Special Congress.

The new party, however, made all the four proposals subject to the following condition :—

"Every proposal is subject to the condition that there is no dissolution of the existing Councils in any Provinces before the expiry of the full term for which they have been constituted."

The Working Committee decided against accepting any of the two proposals that involved a reversal of the resolution regarding Council boycott without reference to the Congress. They decided to accept either of the two sets of proposals but modified the terms drafted by Mr. C. R. Das in some particulars and by substituting for the special election machinery proposed by him a clause that the All-India Congress Committee should provide at its meeting in May a satisfactory machinery for the disposal of disputes regarding election of delegates to the Special Congress in a fair and impartial manner. To the other alternative proposal, the Working Committee added terms to secure co-operation in the collection of funds and the enlistment of workers. The two sets of proposals, either of which the Working Committee agreed to accept, were in short as follows :—

#### **I. AZAD-DAS DRAFT AS AMENDED BY THE WORKING COMMITTEE**

1. Both parties, while adhering to their respective opinions, agree to suspend their differences and jointly work the Programme as laid down at Gaya.

2. There should be no propaganda by either Party concerning Council election till the end of April.

3. The All-India Congress Committee will meet before the end of May, and in view of the situation at the time, it decides to undertake individual Civil Disobedience on a large scale, both Parties will join in such Civil Disobedience and there will be no Special Session of the Congress.

4. If, however, the A. I. C. C. declare against such Civil Disobedience, both Parties will thereafter be free to educate public opinion according to their views.

5. If the A. I. C. C. to be convened before the 31st May declares against such Civil Disobedience, a Special Session of the Congress should meet about the end of June.

6. The A. I. C. C. meeting in May will provide satisfactory machinery for the disposal of disputes regarding election of delegates in a fair and impartial manner.

7. The decision of the Special Session will be loyally carried out by all parties and there will be no separate organisations for taking action contrary to that decision.

## II. THE ALTERNATIVE PROPOSAL.

1. Suspension of Council propaganda on both sides till the 30th April.

2. Both Parties to be at liberty to work the remaining items of their respective programmes in the interval without interfering with each other.

3. The Majority Party will be at liberty to carry on their propaganda in accordance with the Gaya programme about money and volunteers.

4. The Minority Party will co-operate with the Majority Party in appealing for and raising such funds and enlisting such workers as may be necessary for the Constructive Programme and also in working the Constructive Programme and other common matters.

5. Each Party to adopt such course after the 30th April as it may be advised.

The Working Committee left these two proposals with the committee of the new party for the latter to decide whichever they might accept after consultation among themselves; the latter intimated their acceptance of the terms of scheme No. II which were accordingly placed before the All-India Congress Committee at its meeting of the 27th and confirmed.

## The Allahabad A. I. C. C.

At the meeting of the All-India Congress Committee held under Mr. C. R. Das at Allahabad on 27th February the second alternative was accepted by the Council party. The minority were anxious to give a free field and a full chance to the majority who had proclaimed their intention to launch civil disobedience early in May when their collection of funds and volunteers would be completed. If any civil disobedience worthy of the country was going to be launched, Mr. Das said that he and Pt. Motilal would be the first to take part in it. Civil Disobedience, such as was carried out in December 1921, or ever vaster than that, alone could be effective. If, however, civil disobedience on a large scale could not be carried out within the period the majority party had themselves fixed, his party would then carry on its Council-entry propaganda. It might not then be said of the Swarajya Party that they hindered the carrying out of civil disobedience.

An attempt was made to get a stabler settlement. Pundit Madan Mohan Malaviya moved that full trial be given to civil disobedience after summoning a Special Congress and taking its views thereon, and in the meantime both parties to raise funds and volunteers. If civil disobedience was not possible at that moment then let elections be

contested, and this too to be decided by a Special Congress to be convened in May. But this proposal was negatived by the majority.

Finally on the motion of Mr. C. Rajagopalachariar, seconded by Pundit Motilal Nehru, the House adopted a resolution embodying the second alternative as given above with the following proviso.—

6. The above arrangement is subject to the condition that there is no dissolution of the existing Council in any Province before the expiry of the full term for which they have been constituted.

This so called compromise was in reality an armed neutrality, for there was nowhere a common ground for the contending parties, and they only suspended their activities for a short time, each hoping that by the end of the period something will happen to thwart its opponent.

The next two months, March and April, engaged Congress leaders on the compromise, but little work was done. A feeble echo of Mr. Gandhi's Bezawada clarion call of "Men, Money and Munitions" exactly at this time of the year in 1921 was raised by the No-change leaders but it could not catch on. Communal riots in the Punjab and a settlement of the daily growing bitterness of feeling between Hindus and Moslems in Northern India kept Messrs Das, Nehru and the Punjab leaders busy (see *post*). The compromise remained on paper and there was no conjoint Congress work anywhere in the country. In the end of March, the Viceroy's certification of the Finance Bill and the imposition of the Salt Tax afforded an opportunity to raise a popular storm but so great was the disorganisation in Congress ranks that it could not be seized in proper time and spirit, and so the only opposition to the measure was voiced by the Moderates. The imposition of the salt tax turned those who leaned towards Mr. Das' views definitely into Swarajists and the party now became more determined than before on their own programme. The result was that the Congress majority party did not get the support of the Pro-changers as the Allahabad compromise vouchsafed. In the end there was very little of "men and money" raised for the Congress. Foiled in their attempt to keep the Gaya mandate going, some of the ardent No-chargers of Jubbulpore at once launched individual civil disobedience. It developed gradually into the great Nagpur 'National Flag' fight an account of which is given elsewhere. But the cause did not appear to be promising enough and so the Swarajists refrained from joining it. When the end of the compromise period, 30th April, was reached the old controversy was revived. Manifestoes were issued by both parties to rally their followers and ignore the question of compromise altogether.

## The Swaraj Party Circular.

The following circular was addressed to all members of the All-India Congress Committee and of the Provincial Congress Committees of the various provinces on May 1st 1923 by Pt. Matilal Nehru, General Secretary, The All-India Swaraj Party.

Dear Sir,

The compromise of the 28th February last between the two wings of the Congress ceases to have effect from today. There has been carried on an intensive propaganda in the interval by the No-change Party to complete their preparations for civil disobedience according to their own conception. Leading members of that party have travelled far and near and carried the campaign to the furthestmost limits of India and Burma. They have set an example of unceasing, unremitting toil which members of the Swarajya Party will do well to follow. I have nothing but admiration for their single-minded devotion to what they conceived to be their duty, and I hope it will not be taken amiss when I say that I am sincerely sorry that they have not met with the success they deserved. What we, who do not agree with them, were waiting to see was how the mechanical process of collecting money and registering volunteers would create the requisite mental and spiritual atmosphere needed for civil disobedience of the right sort. Unfortunately the day we were looking forward to has not arrived. Our friends have failed to get the men and money they counted upon, and the unique experiment has not been tried for want of adequate material within the stipulated time. Disappointing as the result of this great endeavour to achieve its aim has been, it is impossible to suppress a feeling of keener disappointment at the thought of what might have been, if only the time, energy and money spent had been employed in a united effort to prepare the country to capture the Councils. Can there be any reasonable doubt that all the Councils in the country would today have been at the feet of the Congress to be dealt with as the Congress pleased? Has not the result of the recent municipal elections in the U. P. achieved by a minimum of joint effort a lesson of its own to teach?

### Next Work of the Swarajists.

Turning to the work of the Swarajya Party during this period we find that prominent members have given their time and attention whole-heartedly to the general Congress work, studiously keeping the party entirely in the background. Mr. C. R. Das and I have spent most of the time in the Punjab and Hakim Ajmal Khan has, despite his failing health, not only rendered valuable services to the Aligarh National University, but has never failed to answer the call of the Punjab in its hour of need. The compromise only suspended Council propaganda and reserved to both parties full "liberty to work the remaining items of their respective programmes in the interval without interfering with each other." It was, however, felt that nothing should be done to embarrass the other party in the work they had laid out for themselves, and all party propaganda was severely eschewed. This had the unfortunate effect of cooling down the enthusiasm of our organizers, the great majority of whom failed to carry out the very specific instructions given to them to establish provincial and district committees and complete the necessary spade-work before the 30th April.

I regret to have to say that so far from doing any practical good to either party the compromise of the 28th February has materially prejudiced both.

10(b) (in)

The idea has taken root among Congressmen and the general public, that some similar or more permanent arrangement between the two parties will soon be effected. The terms of likely compromises have from time to time been discussed among both responsible and irresponsible people, the effect of which in my opinion has been disastrous to the whole movement. The expectation of an early coalition in the minds of the workers and the public has induced habits of sloth and given rise to an inclination to wait and see how things will take their final shape. As I have said elsewhere the constant talk of compromise has relieved the people of the necessity of thinking for themselves. They have left all the thinking to the leaders and are occupying themselves with the innocent pastime of breaking each other's heads.

The fact that a basis for a fresh understanding between the parties was arrived at in Delhi the other day has already been announced in the press and is public property. It is my duty, involving in my opinion no breach of confidence, to relieve the public mind of the suspense caused by that announcement. Mr. Rajagopalachariar has now wired from Ahmedabad to Mr. C. R. Das that the proposed understanding was unacceptable to Mr. Vallabhai Patel and Seth Jammalal Bajaj and the compromise has failed.

There are, however, certain Congressmen who are still building hopes of an amicable settlement on the meeting of the All India Committee notified for the 25th May at Bombay. I earnestly beseech them to waste no more time in the pursuit of a phantasm. It is now abundantly clear that the only possible compromise between the two parties must permit entry into the Councils either by the withdrawal or suspension of the boycott. The alternative offered at Gaya has been tried and has failed. I can conceive of no arrangement acceptable to the Swarajya Party which ignores this obvious fact, and can confidently assert that whatever happens the party will not desist from contesting the forthcoming elections. This being so, what is the clear duty of every member of the party? I go further and ask what is the clear duty of every true Congressman? Is this the time to wait and look on while the moderates and hangers-on of the bureaucracy are putting forth strenuous efforts to give the country another three years of Government by mock parliaments?

#### The Council Question.

I have no desire to enter into a discussion of the merits and demerits of capturing the Councils. The question had been discussed threadbare and we have now seen the failure of the only possible alternative suggested. It will, however, not be out of place here to give you the impression I gathered in the Punjab. I have no doubt in my own mind that the Punjab Council is to a very great extent responsible for the communal differences which have arisen in that province. You have only to glance through the reports of the interpellations and debates to see how that Council has day after day and month after month been busily feeding the fire of communal disputes for the last three years. Are you going to let the flame envelop the other provinces as well by leaving them to the tender mercies of the existing type of the Councillor for another term? Indications are not wanting that several districts in the U. P. have already been more or less affected by the happenings in the Punjab. I should have thought that collective individual civil disobedience was quite out of the question at a time when the whole of a large province was rent with communal disputes culminating in bloodshed. Chauri Chaura was but a sudden outburst of mob frenzy in a small out of the way village. The causes of the Punjab trouble lie deep and are showing themselves in a sustained and determined hostility between two great communities numbering millions. I am addressing this letter to all members of the All-India Committee and of the provincial committees of the various

provinces as I take them to be the selected representatives of the Congress in the country. I divide them into the following groups :—

1. Those who have already joined the Swarajya Party.
2. Those who were ready to join the party, but were kept back by the compromise of the 28th February last.
3. Those who did not believe in the Gaya resolution on civil disobedience but were desirous of giving the majority who supported it a fair chance of carrying it out.
4. Those who were against dividing the Congress under any circumstances quite apart from their own personal inclinations.
5. Those who did believe in the Gaya resolution but have now seen that it would not work.
6. The waverers.
7. The die-herds or those who will not countenance any change in the original N. C. O. programme, whatever the circumstances may be, and however much the public may be disinclined to follow it.

I have nothing to say to the last group as it is impossible to expect them to see things as I do. To the other groups I have a word to say.

#### Appeal to the Congress Left.

I put it to those in the first three and the sixth groups whether it is not past high time to be up and doing. Have you not by this time seen enough to dispel all your doubts and misgivings? Our friends are evidently anxious to keep their word and bring about some sort of civil disobedience as soon as possible. You have seen the Jubbulpore incident in connection with the National Flag and are no doubt aware of a similar venture being contemplated at Nagpur. I confess I do not appreciate either the appropriateness or the utility of these undertakings. The net result will in my opinion be the temporary loss of the valuable services of some of the most ardent workers. Another idea has struck some of our friends in the South. They are going to disobey the Finance Act imposing the enhanced salt tax, but it is not stated how it is to be done. To an ordinary man of affairs, it seems that the tax not being a direct one, the only way to withhold it is either to engage in the illicit manufacture of salt on the extensive sea board of India or else to smuggle it into bazars. Do you take any of these proposals seriously? If not, what else do you expect in the way of immediate civil disobedience? I have not heard or read of any other suggestion and the anxious enquiries I have made on the subject have only met with evasive answers from the leading exponents of the doctrine.

#### Appeal to the Congress Right

Those of you whom I have classed in groups 4 and 5 will pardon me if I say that I do not understand your position. You think that the prestige of the Congress will suffer by a division among its ranks. But the division is there already and will not be removed by your backing the wrong party. And may I ask in all seriousness, whether the prestige of the Congress is likely to be enhanced by the sort of civil disobedience I have just referred to? Some of you are very nervous about the results of the Council elections if they are not run by and in the name of the Congress. You instance the success of the municipal elections in the U. P. as showing the great weight the name of the Congress carries with the multitude and draw from it the illogical inference that the name of the Swarajya Party will not carry any weight if the elections are opposed in the name of the Congress. Need I remind you that the converse of every proposition is not true, and that the influence of the Swarajya Party with the masses has not yet been tried. I



cannot conceive how people who had the bitter taste of the last Council Government can for a moment hesitate to throw in their lot with the party which approaches them with the election cry 'Mend or end the Councils'. Can you imagine for a moment that the U. P. agriculturist will be persuaded by the siren voice of the moderates or the sombre accent of the No-changer to grant a fresh lease of life to a Council which, by passing the Tenancy Act, has delivered him to the tender mercies of the Talukdar and the Zemindar? If you can, allow me to say that you do not know what is passing in his mind. Take it from me who have been listening to his grievances during the last two years that he is a highly practical person and is no longer to be led away from hard facts by any inducement. Besides, are we not as much of the Congress as the No-changers? Assuming, without admitting, that we will not succeed in taking a very large number of voters to the polls, can you doubt that at least ten times the number which attended at the last election will gladly support us? I assure you that your nervousness is wholly unjustified and beseech you to save the Congress even at this eleventh hour. Allow another month to pass by and you will again be in the grip of the very Councils which have faithfully carried out the behests of the bureaucracy and helplessly looked on while autocracy ruled the land.

I have addressed this to you all as I believe that the real die-harders are but few, and that the great bulk of the Gaya majority is composed of the other groups I have mentioned. Do not continue to delude yourselves with the hope of a common understanding either at the next meeting of the All-India Committee or at any other time in the near future. As at present advised Mr. Das, Hakim Ajmal Khan and I do not intend going to Bombay for the All-India Congress Committee meeting. We do not think our joining will serve any useful purpose. I beg of you to throw off the spell, think for yourselves and come to a final decision without running further risks.

MOTILAL NEHRU.

## The No-Changers' Manifesto.

Mr. C. Rajagopalachariar, leader of the No-changers, also promptly issued the following manifesto.—

With the 30th of April ends the truce entered into with the leaders of the New Party at Allahabad. They have declared their intention to call upon the people to participate in the coming Council elections and return the nominees of their party in preference to other candidates. On the other hand our duty according to the resolution of the Gaya Congress is to carry out the boycott of elections. It is hoped that we will be able to perform this duty without friction and with mutual good understanding. Though the suspension of controversy ended with the 30th of April and both parties are from that date free to carry on their respective propaganda, we should remember that the first and foremost duty now of all Congress Workers who stand by the resolutions of the Gaya Congress is to go on with the programme of collections and enlistment until the All-India Congress Committee meeting on 25th of May at Bombay. Every committee as well as individual worker should realise the supreme importance of putting forth during the next three weeks the maximum effort possible towards fulfilment of the resolutions regarding men and money. Against all kinds of difficulties a few faithful workers have fought with manful perseverance and achieved enough to show to ourselves if not to others that the national cause is bound in the end to triumph.

At the A. I. C. C. meeting we shall consider and decide upon civil disobedience. It should be remembered that the undertaking of individual civil resistance does not depend on the liberal fulfilment of the quota of men or money. I would advise my friends to undertake individual suffering even though the volunteers enrolled fall short of the number fixed and even if the money collected is below the programme. It is clear that without suffering, our apathy and our dissensions will not cease; while on the one hand our wrongs are increasing, the capital and fundamental evil of subjection to irresponsible foreign rule is killing our life, and our apathy and dissensions are increasing and smothering our efforts at self-help and emancipation. It is clear that without a programme of suffering all these difficulties will become harder and harder everyday to overcome. On the other hand the challenges of the Government and the wrongs inflicted by it call for manly answer and resistance.

The manner in which civil resistance is to be offered and suffering undertaken will be decided at the A. I. C. C. meeting. If Congressmen undertake, as I want, a programme of intense suffering, there may be no need whatever to have any special propaganda for boycott of Councils. There is no need to go further than stating our position clearly to the people as to their duty to abstain from all participation in the Council election and its preliminaries. Let us not lose ourselves in controversy for which happily there is not much need now. The certification of the salt tax just on the eve of the elections is a calculated insult to the self-respect of the nation and betrays the Government's reliance on our weakness. The camouflage of the Reformed Councils has been so clearly exposed that a large statement of the case ought to be enough to induce not only Non-co-operators but even the Moderates to refuse to participate in the elections of this year. If however the issue becomes clouded and active propaganda becomes necessary, we have to undertake it, for which there is plenty of time yet.

The issue of these manifestoes in which the spirit of compromise was absolutely lacking served however to bring about a reshuffling amongst the supporters. The Bombay No-change leaders resented the tone of Mr. Rajagopalachariar and an attempt was

made to remove him from the party-leadership. His plan of individual civil resistance was taken to mean a confession of weakness amongst the great majority of Congress-men, who were now charged by their opponents as having neither the courage to undertake mass-action nor the candour to confess their inability. Not all No-changers could attach the same mystic value to individual suffering as their leader seemed to emphasise. Suffering for a common national cause was intelligible but abstract suffering without any earthly objective did not for all its beatitude appeal to all. The failure of the No-change programme was due to the same cause that led to the split at Gaya. With the miasma of a lofty ideal the mass of men could not be moved for any length of time. As Pundit Motilal Nehru said, the method advocated by the majority party could not bring them the desired success even within 30 years. "It is useless to talk of Satyagraha until and unless that spirit and desire was created within the people which would prompt them to think that they should either get Swaraj or die for it." No doubt there were some in the country whose national consciousness was so far advanced that even in normal conditions, without the stimulus of hatred or injury received, they felt it intolerable that Indians were not masters in their own land. But such a consciousness must permeate the masses, must become so all-pervading as to dominate all class, caste and communal consciousness, before the adoption of a policy of Satyagraha could be even thought of. But the conditions in the country were different. There were Hindu-Moslem riots, and more than that the communal dissensions in the Punjab (see *post*) and the U. P. were entering into Congress politics even. The Moderates were reeling under severe bureaucratic blows in the Councils. Angora's triumph had drawn the Moslem mind away from home affairs. Civil disobedience on abstract principles was already a lost cause. A hand to hand fight with the Government was a proposition which had more points of contact with the actualities of the situation. So the Das-Nehru party gained in strength, and by the time that the All-India Congress Committee met in May, the moral victory was already theirs.

## The Bombay A. I. C. C. Meeting

On MAY 25th. the All India Congress Committee met at Bombay under the Presidency of Mr. C. R. Das. There was a large attendance of members from different parts of India. At the outset the President remarked that they were meeting on a momentous occasion when the country required an united Congress and not a Congress of dissension. They should all approach the main issue before them with sufficient broad-mindedness. He made it clear that his party nurtured no disrespect to the Congress and today they came to attend the Congress Committee with a belief of arriving at a fair compromise. No work was possible unless and until the country was united. He hoped a suitable resolution would be brought forward suggesting the basis of compromise, not that compromise by which each party would be bound to sacrifice its essentials, but one by which the equal rights of each party would be admitted. He observed that they should adjust their differences in an honourable way and suggested non-interference in one party's activities by the other. Mr. Das further said that, if a satisfactory compromise could be arrived at, he would withdraw his resignation of the Presidentship of the All-India Congress Committee. Opposing a special session of the Congress, the President said it was equal to asking the Swarajya Party members to withdraw their special electioneering programme. As the days of elections were drawing nigh he refused to give any undertaking that his party would abide by the decision of the special Congress. Proceeding, Mr. Das emphasised that the minority party believed in contesting elections and non-co-operation with Government from within the Council and what they wanted was non-obstruction from the majority party in the Congress on the question of Council entry.

The Working Committee then withdrew their resolution for a special session of the Congress which called on Mr. Das and his party to give an undertaking to abide by its decision.

A message was then read from M. Abul Kalam Azad drawing attention to the serious communal feelings between Hindus and Mussalmans in the Punjab and urging the suspension of Council boycott. Another message from Pandit Nehru and Hakim Ajmal Khan regretting inability to attend the meeting stated that they hoped the Committee would be guided by better feelings without indulging in acrimony.

A resolution from the Burma Provincial Congress Committee was then read advocating Council boycott and civil disobedience. Opinions from different provinces regarding a suitable compromise were then invited and some voted for compromise while others insisted on the Gaya resolutions.

The Andhra members pressed for a special session of the Congress to be held preferably in Bombay not later than the 30th June in order to decide on an effective common programme.

### Council Boycott

Mr. Abhayankar then moved a resolution declaring Council-entry at the next elections a part of the Congress programme, while Mr. Gidwani moved a counter-resolution urging boycott and suspension of any activities that went against the letter and spirit of the Gaya resolution.

Mr. Purushottamdas Tandon moved the compromise resolution. It said that, in view of the fact that there was a strong body of opinion within the Congress in favour of contesting elections and the official councils and that the existing divisions amongst the Congressmen had already led to the lessening of the influence of the Congress Committee, it deemed it absolutely necessary that Congressmen should close up their ranks and present a united front and that no propaganda be carried amongst the voters in furtherance of the Gaya Congress resolution relating to the Council boycott. This resolution was supported by Pandit Jawaharlal Nehru.

Here some members raised a point of order and doubted the competency of the All-India Congress Committee to discuss any resolution which ran counter to the All-India Congress resolution deliberately adopted at Gaya. The President ruled that it was possible when a particularly new situation arose which must be discussed in the said Committee. A long and animated discussion then raged round all the resolutions and this continued till late in the evening when a motion for closure was moved but negatived. The meeting then adjourned till the next day.

### Second Day

Next day, on MAY 26TH, the All-India Congress Committee, after a lively discussion, adopted the compromise resolution of Mr. Purushottamdas Tandon.

Discussion on Mr. Purushottamdas Tandon's compromise resolution was resumed and evoked an animated debate. Almost everyone of the effective speakers in the All-India Congress Committee, some 25 of the leading men, spoke either for or against the question of Council-entry. Thus, Lala Duni Chand of Amabala said that the members of the Swaraj party were desirous of entering Councils as comrades of the majority party in the Congress. They were as ardent for Swaraj as the Die-hards in the Congress. What he urged was that in the present circumstances the Die-hards should cease to be Die-hards.

Mr. Aney (Berar) urged for a workable programme. In spite of the differences between the two wings, the Congress must have a common platform so that their opponents might not make capital out of their disagreement.

Mr. Mahadeo Desai (Gujrat) maintained that the minority party were asking for an unwholesome compromise at the sacrifice of their very judgment and principles. Even inaction according to him was not so disastrous as entry into Councils.

Baba Saheb Paranjpye (Maharashtra) thought that the same spirit which was manifested by the members of the superseded municipalities of Ahmedabad and Surat could be preserved by their friends by entering Councils.

Mr. George Joseph (Madras) believed the minority party had rebelled against the Congress. They had no right to do so. Such a rebellion was contagious. He considered that no compromise was possible unless the Swaraj party surrendered.

Mr. Subash Basu (Bengal) quoted a passage from Mr. Gandhi's "Young India" stating that the minority party, so long as they were honest, had a right to work differently provided it did not work in the name of the Congress. Reviewing the present situation of Bengal he said the middle classes and tenants in Bengal were anxious to send their best representatives to fight against the two Government Bills, namely the Tenancy Bill affecting tenants, and the Education Bill affecting the intelligentsia. The only possible work before them was to enter the Councils with the purpose of carrying on a systematic obstruction.

Mr. Moazzam Ali of the Central Khilafat Committee, Mr. T. Prakasam of Madras and a few others favoured a special session of the Congress.

Mr. Kelkar (Maharashtra) declared that the Swaraj party must fight out for their programme to the finish. They would carry on the principle of responsive co-operation even in Congress matters. They would not bend their knees and request the majority party to concede to their terms.

Mr. Satyamurthi (Madras) repudiated the charge that they were rebels, but claimed they were staunch and faithful Congressmen. The Finance Act had been passed two months ago and yet their civil disobedience was on the air. Taxation was levied which they were unable to resist unless they were in the Councils.

Mr. T. Prakasam (Madras) said he was willing to suspend active propaganda against the Council programme, but yet carry on the constructive work and prepare the country for Civil Disobedience.

Mr. Rajagopalachariar (Madras) refused to consider any question of compromise. He was in favour of allowing different political parties to stand each on its own legs and carry forward its own programme without depending on one another. It was possible, he asserted, to cultivate good-will amongst people in spite of political differences.

Dr. Ansari (Delhi) believed they were deceiving themselves. They should yield place to those people who could unitedly lead the country. Their country was not so politically advanced as to understand political differences. When patriotism demanded they were bound to give up the details of their programme. The prestige of the Congress had fallen so low that at present in the Punjab, the chief centre of Hindu-Moslem dissension, nobody cared to listen to the advice of the leaders. He urged for unity and also for a special session of the Congress which could solve the problem.

Mr. Rajendra Prasad, the Congress Secretary, considered that the only possibility for the compromise lay in the minority party suspending their Council-entry programme.

Mrs. Sarojini Naidu deplored Hindu-Muslim relations in the Punjab and characterised Congressmen as matricides because they tried to carry out the letter of their programme ignoring the situation that confronted them.

#### Compromise Motion Passed.

Prior to putting all the resolutions to vote Mr. C. R. Das made a few suitable remarks on the question of compromise. One by one the resolutions were negatived. The compromise resolution of Mr. Purushottamdas Tandon being then put to vote was carried by 96 to 71. Ten members abstained from voting. The resolution for a special Congress was negatived. The meeting broke up at 2-30 P. M.

#### Working Committee Resigns.

In the evening, when the All India Congress Committee met again, the President, Mr. C. R. Das, announced that the 'No-change' members of the Working Committee viz, Messrs. Rajagopalachariar, Rajendra Prasad (Secretaries), Jammalal Bajaj (Treasurer), Doshpande, Vallabhbhai Patol and Brijkishore had tendered their resignations in view of the All India Congress Committee's resolution that morning suspending propaganda against Council-entry. He regretted such an action and declared that the Congress Committee had the right to refuse the acceptance of their resignations.

At this stage Mrs. Sarojini Naidu, Mr. T. Prakasam and Dr. Ansari and other Working Committee Members, who although they supported the particular resolution and resented the hasty manner

in which the resignations of their colleagues were tendered without their knowledge, also readily resigned as they said they all belonged to the same cabinet.

Pandit Jawaharlal Nehru moved a resolution urging the Committee not to accept the resignations of Mr. Rajagopalachariar and others but to pass a vote of confidence in them instead. The resolution was carried by a large majority, but this had no influence on the members who had resigned.

#### The Resolutions

The following are some of the different resolutions before the Committee :—

Moved by Mr. B. Sambamurthi : “ Having regard to the present political situation of the country and the necessity for united action by Congressmen holding divergent views, this Committee deems it necessary that a special session of the Indian National Congress be convened at an early date to consider and decide on an effective common programme of future work. This Committee, therefore, calls a special session of the Indian National Congress to meet in Bombay not later than 30th June and directs the Working Committee to take all necessary steps on that behalf.”

Moved by Mr. M. V. Abhyanker : “ Resolved that Council entry at the next elections be made a part of the Congress programme.”

Moved by Mr. P. D. Tandon : “In view of the fact that there is a strong body of opinion within the Congress in favour of contesting elections to the official Councils and that the existing division amongst Congressmen has already led to the lessening of the influence of the Congress, this Committee deems it absolutely necessary that Congressmen should close up their ranks and present a united front. It therefore directs that no propaganda be carried on amongst voters in furtherance of resolution No. 6 of the Gaya Congress relating to the boycott of the Councils”.

Moved by Prof. A. T. Gidwani : “ That this Committee requests that all parties in the Congress will remain firm in their convictions for or against Councils and suspend any activities that go counter to the letter and spirit of the Gaya resolution.”

#### Third Day

#### The New Working Committee.

“ By adopting the compromise resolution suspending council boycott propaganda, the All-India Congress Committee has committed



political suicide and we refuse to fill the offices of the Congress Executive in order to be party to carry out that resolution which has considerably undermined the prestige of the Congress." This summed up the attitude taken by the outgoing Members of the Working Committee : Messrs. Rajagopalachariar, Rajendra Prasad (Secretaries), Jammalal Bajaj (treasurer), Vallabhbhai Patel, Brajkishore, Moazzam Ali and Deshpande. In spite of the vote of confidence in them passed by the Congress Committee, they refused to reconsider their decision, and finally the A. I. C. C. Committee accepted their resignation next day on May 27th.

On this day the Committee sat for 6 hours. Mr. C. R. Das, still the President, suggested that no member belonging to either of the two extreme wings, the Swaraj party or No-change party, be appointed to the Congress Executive. The Central party which passed the compromise resolution should form the Congress Working Committee. Accordingly he also resigned his presidentship of the All-India Congress Committee. The new Working Committee was therefore constituted consisting of members of the Central (Non-contentious) party with Dr. Ansari as President, Messrs. Jawharlal Nehru, T. Prakasam and Dr. Mahmud, (Secretaries) and Mrs. Naidu, Sirdar Taj Singh, Maulana Abul Kalam Azad, Mr. Purushotamdas Tandon, Pandit Santanam, Anugrahanarayan Singh, Dr. Varadarajulu Naidu and Khaja Abdul Majid as members.

### The National Flag Fight.

The Committee also passed a resolution moved by Mr. Rajagopalachariar congratulating the volunteers of the Central Provinces on their Satyagraha in defence of the national flag at Nagpur and calling upon all volunteers throughout to be ready to join the struggle when required. Many interesting facts about this Nagpur National Flag struggle were revealed in the Committee. Some members pointed out the futility of aimless suffering, while others maintained they would keep up the flag which was the emblem of Indian nationalism. At the instance of a Bengal member, the President urged the press not to publish the details of the debate in connection with the flag.

### Fourth Day

On 28th MAY the All-India Congress Committee concluded their deliberations. They accepted a resolution proposed by the New Working committee for the extension of the period for further collection of the Tilak Swaraj Fund and the enrolment of volunteers. Babu Rajendra Prasad made a statement according to which the amount collected up till 30th April (according to the Gaya Congress resolution) came up to about 13 lakhs including premises of one and a

half lakhs and the number of the volunteers enrolled were 10,000. Burma and Gujrat subscribed beyond their quota. The former subscribed one and a half lakhs, while the latter 3½ lakhs. Besides, the Burma Congress Committee ear-marked for Civil Disobedience the amount of Rs. 50,000.

Babu Hardayal Nag, a no-changer, wanted to extend the Nagpur flag fight and moved a resolution for civil disobedience in connection with the salt tax but his proposal was rejected. After some formal business had been gone through the session then concluded.

The new Working Committee of the All-India Congress Committee issued the following statement :—

#### New Working Committee's Manifesto

The circumstances which led to the resignation of the old Working Committee and our election in their place are by now before the country, but to avoid any misapprehension in the minds of the people about the meaning and implication of the resolution passed by the All-India Congress Committee we think it necessary to make the following statement.

The resolution in question does not vitiate the principle embodied in the resolution of the Gaya Congress relating to the boycott of Councils. The mandate of the Congress maintaining boycott remains untouched. What the resolution does is merely to ask Congressmen not to carry on propaganda in furtherance of this boycott. Our reasons for this step are briefly indicated in the preamble to the resolution. We consider that the advantage that would be gained by active propaganda among the voters making them to abstain from going to polls would be more than counter-balanced by the conflicts and bitterness that would inevitably ensue between us and those other Congressmen who believe in contesting elections. In our opinion the time that would be spent in this propaganda could be more usefully employed by us in pushing the rest of the programme more vigorously. Further, absence of friction among the Congressmen themselves would have good effect on the country and would conduce to better and speedier fulfilment of our programme.

In other respects we wish to make it clear that there is no difference between those colleagues of ours who have just gone out of the Working Committee and ourselves. Nor is there any difference in detail or method except in this one particular. We extremely regret that they felt compelled to resign for this small difference. We should have preferred their remaining in the office and continuing work with our fullest support and co-operation. Unfortunately they could not see their way to do so. We are thus obliged in obedience to the call of the All-India Congress Committee to assume office and shoulder the responsibility of carrying on the executive work of the Congress. We fully realise the gravity of the situation in the country and the magnitude of the task imposed upon us, but we are greatly encouraged by the assurance of co-operation and support that we have received from the members of the old Working Committee.

It would have been a pleasure to us had Mr. Das been able to continue as President; but, in the peculiar circumstances in which the resolution was passed, Mr. Das, with his innate delicacy and generosity, considered it advisable to leave the executive work of the Congress in the hands of a homogeneous group of members from amongst the supporters of the resolution who were in agreement with the Gaya programme. The All-India Congress Committee with great regret

and deep appreciation of his noble action accepted his resignation. We feel certain that we can always rely on his help and guidance in critical issues that await solution.

The work before us is clear. We call upon all Congress committees to strengthen and consolidate Congress organisations, to complete the collection of money and enlistment of volunteers in the extra two months allotted to them, to carry out Khaddar and other items of the national programme in an organised and vigorous manner and, above all, foster and develop a spirit of disciplined resistance against the present system of Government in India. But we are convinced all our efforts will end in failure unless unity is maintained amongst the various communities. We earnestly appeal to the country to help us in our endeavours to fulfil the heavy responsibilities that have been laid upon us.

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## The Nagpur Flag Fight.

This Bombay compromise was at first taken by all Congressmen as final, but soon after Mr. Rajagopalachariar found that it was against his conscience and so he issued a fist from his retirement in South India that it was *ultra vires*, that it nullified the Gaya mandate, that it was mischievous, and he for one could not accept it. Mr. Vijayaraghavachariar of Salem issued a long legal thesis proving that the A. I. C. C. was wrong. Mr. Das was at this time touring in South India, the strong-hold of the No-changers, to explain the Bombay mandate. He was led to controvert the statements of the new 'rebels', and then followed an intense and acrimonious press and platform controversy in which even the names of Gandhi and Pt. Malaviya were dragged. Mr. Das was charged with having accused the Mahatma of 'bungling and mismanaging' in December 1921, and he in his turn had the epithets "traitor" and "arch rebel" hurled against him. The same rancour pervaded the subordinate Congress organisations. District and Taluk Congress Committees here and there rose up and defied the A. I. C. C. Chaos reigned in Congress circles. At many places the All-India Committee was roundly censured. Maharashtra, Karnatak, Andhra, Tamil Nadu and some other provincial Committees refused to follow it. Towards the end of June, 15 members of A. I. C. C. sent in a requisition for a reconsideration of the Bombay decision, and accordingly Dr. Ansari convened a fresh meeting of the A. I. C. C. in Nagpur on 8th July.

Nagpur at this time was the scene of the historic "flag fight." The first spark was lit at Jubbulpore where on the 13th April 1923, the Jallianwallahbag anniversary day, some young Congressmen climbed up the Municipal building and hoisted the National Flag at the top. The police came and pulled it down, trampled it and treated it in its characteristic way. The European Deputy Commissioner, who was the chairman of the municipality, handled the matter roughly with the result that the Commissioners resigned in a body. The District Congress Committee started Satyagraha which consisted of batches of youngmen carrying the flag and hoisting it over the municipal building, the police each time pulling it down and then arresting the volunteers. The movement soon spread to Nagpur and subsequently it was concentrated at Nagpur under the guidance of the Provincial Congress Committee. A Satyagraha camp was opened, funds collected, and volunteers enrolled to court arrest, beating, humiliation, in fact all suffering unto death to vindicate the honour of the National Flag.

Satyagraha was started on May 1st, when Seth Jammalal Bajaj

led a volunteers' procession carrying the National Flag through the city. When the procession arrived at the place where they had been detained previously, the Police stopped it and the District Magistrate read an order under Section 144 Cr. P. C. prohibiting processions in the Civil Station without special permission and holding of public meetings in the said area for two months. The policy of the Central Provinces Government was at first not to interfere with the Swaraj Flag except when it constituted an offence against criminal law by hoisting or taking it in procession in such circumstances as likely to cause breach of public tranquility. But they soon raised the plea that it meant disrespect to the Union Jack and was deeply resented by some classes of loyal subjects.

On June 17, Seth Jamnalal Bajaj, leader of the Satyagraha movement, and Mr. Nilkantha Rao Deshmukh, Publicity Officer of the Satyagraha movement, were arrested and the fight stiffened. Every day from May 1st a batch of 10 volunteers started off with the flag, entered the prohibited area, courted arrest, were tried in the criminal courts and sentenced to 6 months' rigorous imprisonment! Every day the scene was alive with throngs of spectators who sat down to see the great tournament lining the roads. There was no anger on either side, no frivolity, no noise. A batch of volunteers is sighted, a signal is given, the Magistrates and police officers stiffen themselves up, the volunteers come up with flags waving high and are received with knightly courtesy by the officers. Then the volunteers are marched off under arrest into the district office and the citizens give a thundering cheer. Such was the daily routine of the fight.

On June 18, Mr. Gowan, District Magistrate, issued a new order under Section 144, Criminal Procedure Code, stating that he had received two petitions signed by 62 residents of the area through which the crowds pass, in which the petitioners complained that the crowds were a source of annoyance to them and a public nuisance and made a definite request for protection from their annoyance. The new order extended the prohibition for two months more. The same day there was a great police round up and no less than 275 Congressmen were arrested. The total arrests up to date came up to about 1000. The sweeping and indiscriminate arrest of all Congressmen at Nagpur however served only to infuse new life and batch after batch of volunteers from outside the province began to pour in.

Early in July the All-India Congress Committee which was then sitting at Nagpur passed a resolution calling upon the country to observe the next Gandhi Day, the 18th July, as the Flag Day and instructed all Provincial Committees to organise a flag procession and public display of the flag by the people. The demonstration was

intended to assert their right to the National Flag. If orders are issued prohibiting it in any place, local Congress Committees were advised to offer civil disobedience through Congress volunteers in respect of such orders on that day only, provided that there was no apprehension of violence or disturbance of the peace on the part of the people. Accordingly the 18th of July was observed as an All-India Flag Day, and processions carrying the flag passed through the streets in all towns. It ended very peacefully and the authorities were sober enough not to prick into this hornet's nest. An all-India commotion was thus averted.

The Nagpur movement however had by this time become an All-India movement and the local Council began to bestir themselves in the affair. On Aug. 7th. at the local Council Seth Sheola's resolution for cancellation of orders under Section 144 was discussed at great length. After two days' full discussion the resolution was carried by a majority of 5 votes, 31 voting for and 26 against. On Aug. 9th. the Council on the motion of Mr. Jaiswal passed a resolution recommending to the Government that the pending prosecutions of those already under arrest in connection with the flag agitation throughout the province be withdrawn. Another resolution recommended to the Government the unconditional release of all volunteers and Congress workers imprisoned in connection with the flag agitation. Sir M. V. Joshi, Home Member, said that if the House supported the resolution it would be endorsing civil disobedience and no case for clemency arose. The men arrested had openly and deliberately flouted the authority of law and it was the duty of Government to maintain law and order. The resolution however was carried by 31 to 27 votes. Soon after this the leaders of the movement, Mr. Vallabhbhai and Mr. V. J. Patel, had several interviews with the Governor. What transpired at these interviews is not known and subsequently contradictory statements from both sides were issued to the press, both Government and Messrs Patel trying to make out that the other party had climbed down. However the effect was conciliatory and on August 17th the flag fight came to an abrupt end. The following account of the last phase of the struggle is given by a press correspondent. —

"The order under Section 144 prohibiting processions of the National Flag to pass through the Civil Lines was to expire on 17th August. In anticipation of this Srijut Vallabhbhai Patel had previously announced that a procession of volunteers carrying the National Flag would go to the Civil Lines on the 17th. The route of the procession was also specified in a statement, but simultaneously with this announcement a printed notification was published broad-cast under the signature of the District Superintendent of Police declaring under Section 30 of the Police Act that no procession were to pass through the Civil Lines without his permission. Curiously the police notification declared the same area prohibited through which the flag procession was announced to go, but inspite

of this new prohibitory order the programme of the procession was maintained with the slight change that the procession was to go on Saturday instead of Friday just to celebrate the Gandhi Day which fell on Saturday. 100 volunteers marched in procession instead of 5 as previously arranged, the route and time remaining the same. It was a thrilling sight to see a big procession marching calmly in well-arranged ranks behind their Captain Pandit Makhanlal Chaturvedi who was specially sent today for Satyagraha at the head of the procession to meet any emergencies that might arise owing to the new prohibitory order under the Police Act which had brought about severe beating by the Police to the first flag procession on the fateful 13th of April when several volunteers were severely wounded and miserably dragged. All volunteers before starting were reminded of this event and their possible fate under police batons, but they were sturdy, brave young men who would not flinch. They were all dressed in white khadi and carried national flags in their hands whose newly dyed red and green along with the white stripes shining brilliantly under the clouded sky lent triumphant joy to the cheerful countenances of Satyagrahis and the admiring crowd around. It was previously announced that no spectators were to go with the procession through the prohibited area. The vast crowd stopped still at the Zanda bridge when requested by the Congress volunteers to do so.

"Slowly and silently the procession went over the bridge. In front of them were the familiar figures of young Akotkar and Abhimanya sweetly singing national songs, the same Abhimanya who was severely beaten on the 13th April by a sturdy Sikh custodian of law and order. Amongst those who accompanied the procession were Srijut Vallabhbhai Patel, Rajendraprasad, Shankarlal Parekha, Shrimati Subhadrakumar, Vasudeo Raoji, Subedar Seth Punamchandji, Thakurs Lakshman Singh and Indra Singh. The procession crossed the bridge. There were about fifty policemen waiting with thick bamboo lathies in their hands and four Sub-Inspectors in command. The hearts of the spectators were throbbing as to what would happen. With bated breath they watched the procession more peacefully than ever moving slowly forward. The police advanced. Would there be beating? No, a few of them were ordered simply to keep the crowd away from accompanying the procession. The procession would be allowed to pass through the route announced by the Satyagraha Committee. Up rose the triumphant shout of "Mabatma Gandhi Ki Jai", "Rashtriya Zanda Ki Jai." Satyagraha was victorious. Every face appeared to be happy over this. When the procession reached near the Church, the D. S. P. said to Pandit Makhanlal Chaturvedi: "Now, will you please honour the Church and stop music for that." "Most gladly" came the prompt reply. Music stopped till the Church premises were passed. The route lay round the Church. European ladies, gentlemen and children were watching the procession from their bungalows with face beaming with curiosity. After leaving the Church-premises the procession passed to Sadar Bazaar which was outside the prohibited area and the police escort stopped at the boundary and retired. The procession dispersed in Sadar Bazaar according to the programme after a short speech by the Captain. The whole city was in a transport of joy at this happy termination of Satyagraha which lasted for three months and eighteen days and thanked God for the victory. In the evening a big public meeting was held in the Town Hall where Srijut Vallabhbhai Patel read his written statement declaring the closure of Satyagraha. The President, Pandit Makhanlal Chaturvedi, after thanking the workers closed the meeting amidst shouts of "Rashtriya Zanda Ki Jai."

## The Nagpur A. I. C. C. Meeting

The All-India Congress Committee met on the 9th JULY at 8-30 a. m. In the absence of Dr. Ansari, Mrs. Naidu was proposed to the chair. The substantive motion on the agenda related to the National Flag struggle at Nagpur and as Mrs. Naidu had to move it she requested Mr. Prakasam to occupy the chair. At this point Mr. Das rose to a point of order and enquired how precedence could be given to that motion over other matters in the agenda. As Mr. Prakasam was explaining it, Dr. Ansari and Dr. Syed Mahmud arrived. Dr. Ansari occupied the chair and Mr. Das referred to Rule 19 of the Congress constitution and pointed out that it was a requisition meeting and the Nagpur Satyagraha had not been mentioned in the requisition. How then could that subject be brought for consideration? The President said the rule was not very clear on the point and that, besides, the Nagpur Satyagraha had been specially mentioned in the requisition and the Secretary's notice of the meeting. Once a meeting was called it was open to him to place for consideration any matter he approved of. Mr. Das inquired if that was extended to any motion from the members and if the meeting had a right to bring forward any motion. The President said it could and Mr. Das asked if that was the right of the meeting why permission was required. Mr. Sen Gupta got up and said no notice had been given about the question of Special Congress. Mr. Aney attempted to explain Mr. Das's meaning when Dr. Ansari said: "Give the President the privilege to conduct the business in the order he thinks best." The meeting then settled down to hear Mrs. Naidu on the Satyagraha motion.

### Mrs. Naidu's Speech.

In the course of a splendid speech she said she thought, whether it came within the requisition or not, the situation was such as they could not leave Nagpur without an expression of their views. When they had before their eyes an example of splendid sacrifice they should give it their moral support. Whatever the local grievances, which need not be reiterated, the Satyagraha had assumed a national aspect and they, as the custodians of national honor, had to congratulate the Satyagrahis. She hoped and believed there would be a good response to Nagpur's cause. Small as the issue seemed and small in reality as the issue went, it was a token of their determination to give battle to the bureaucracy to maintain their elementary rights. In that struggle, they witnessed the spectacle of the oldest joining in, not to be outdone by the youngest in sacrifice. She was glad that the daily sacrifice was limited, for they did not want a hysterical evanescent and torrential flow, but they wanted a deadly, devastating, trickle which would drop by drop wear out the rock. It was not the spectacular value of it that was important, but the moral value.



They did not want either a dramatic or a melodramatic show, but they wanted an organised battle with the bureaucracy. They wanted to be happy in the symbol of the nation's honour and remain an embodiment of the nation's soul.

Mr. Mahamed Shafi seconded and pressed Mr. Das to support the Satyagraha movement.

#### Various Amendments.

Amendments to the motion were then invited and many came in. Sjts. Rajagopalachariar, Mazumdar, Shamsuddin, Santanam of Madras and Gopalakrishnayya presented amendments. Sjt. Rajagopalachariar's amendment related to the second part of the resolution calling on all provincial committees to organise flag processions on Gandhi Day all over the country. It said that in such places, if prohibition orders were issued, Satyagraha should be confined to that day. Others suggested that A.I.C.C. members should practise Satyagraha, one saying that all of them should march and another saying that the leaders should go one by one. Sjt. Gopalakrishnayya wanted arrangements to be made for filling up vacancies caused by the members offering Satyagraha. Pt. Jawaharlal deprecated the light-hearted manner in which the question was sought to be tackled and enquired if they meant business or they were merely going to pass a resolution which would hamper their campaign. Let them leave it to the Working committee which was arranging details for carrying on the struggle and not play with it. They must carry on the fight in an organised manner and continue it.

Some questions were put and answered regarding the appointment of a sub-committee to report on the Satyagraha. Then the amendments were withdrawn.

#### Mr. Das's Position.

Mr. Das speaking on the motion explained his position. It had been stated that the movement was a cold-blooded movement and that was precisely why it did not appeal to him. His belief was that unless and until they put their heads together and settled their differences they would make no headway. If they settled the difference and did not find him at the head of the Satyagraha, they might call him any names. He whole-heartedly gave all honour to those who went to prison, but in the depression caused by the situation in the country he did not feel any inspiration to join it.

Votes being taken it was found that only one voted against the motion and the Swarajya Party "en bloc" refrained from voting. The motion was declared carried. The President said only two motions of the Working committee remained and Pt. Jawaharlal

read them out. Messrs. Aney, Satyamurti and Das objected, Mr. Satyamurti saying the resolutions were framed and altered in a haphazard fashion. Pt. Jawharlal then read out, the other resolutions received.

### Special Congress. Resolution on

Then Mr. Prakasam moved a resolution to hold a Special Congress and pressed for its unanimous approval. Mr. V. A. Desai asked if the Working committee believed that the holding of Special Congress would close all differences. Mr. Prakasam said the Working committee hoped so. Mr. Subash Chandra Bose rose to a point of order and said that no notice had been given of the motion. He appealed to the sense of fairness of the House not to go on with it. If a proper notice had been given at least some more members would have come for the meeting. After the Bombay resolution they believed the question had been dropped once for all and it was not fair to thrust it on them now. Dr. Mahmud supported the motion and Mr. Hakim of Satara opposed it. Mr. A. Roy of Bankura in opposing said the prestige of the Congress had considerably suffered due to the interminable discussions and no work being done. To hold a Special Congress was waste of money and would serve no purpose. What they wanted was a programme instead of conference and committees. He did not believe in Councils, but the earnestness and tenacity with which the Swarajya Party wanted to go into the Councils made him say "let us not obstruct them." No Special Congress would stop that party's programme and so let them organise and go forward instead of holding a Special Congress. Messrs. Mazumdar and Subash Chander Bose opposed the motion. The latter said if they insisted on a Special Congress, that was the way to deliver a death-blow to non-violent Non-co-operation, for that would start a revolutionary party at least in Bengal. At all events it would produce a civil war within the ranks of the Congress. Mr. Satyamurti asked them not to achieve indirectly what they had failed to achieve directly and defeat the compromise. "Put your foot down on the new rebels", he said, and pleaded for conservation of prestige and authority of the Congress. In February Mr. Das had given an opportunity to Sjt. Rajagopalachariar and his party to have Special Congress, but they spurned it aside. Then in Bombay.....(Here an interruption by Mr. G. Joseph).

Mr. Satyamurti continuing said that by calling a Special Congress a bitter campaign would ensue and he enquired "qui bono" why did they want to waste time. Sjt. Gopalakrishnayya supported the motion and Sjt. Sri Prakash opposed it. So did Mr. Shafi. Maulana Azad Sobhani supported it in an Urdu speech. Mr. Sen Gupta

said that the Swarajists took their defeat at Gaya in a sportsmanlike manner and when they carried on their propaganda they did not use Congress organisations and funds like Mr. Rajagopalachariar and his friends. They took an honest course but not so the Majority Party. At Allahabad the Majority Party opposed a Special Congress ; at Bombay both opposed it as it would have interfered with their work and what had happened since except a requisition by the revolvers who used the Congress organisation and funds and had placed the Centre party in difficulties to justify a Special Congress. What were they doing by passing resolutions ? They were allowing the Majority to carry on anti-Council propaganda. It was a trick, a dodge, to thwart the Bombay compromise. The people were tired. So to the Special Congress Bengal would not send 200 delegates although it could send 900. (A voice : 9000.) It was impossible for them to abide by a Special Congress resolution if it went against them, and the other party would not obey it if it went against it. He opposed the motion.

Pt. Jawharlal Nehru said that most of the opponents of the motion for a Special Congress were of the Swarajya Party. He knew a Special Session might perhaps put an end to all their hopes. It had been said that these would not agree and those would not agree. That did not matter. At least most part of the country would decide on the question. Proceeding, he said, gradually other points of N. C. O. would be touched. No member of the Swaraj Party could accuse others of revolt.

Mr. Satyamurti : " why not " ?

Pt. Jawharlal : " it was rebellion in both the cases."

(A voice) " it was Satyagraha, not rebellion (laughter)."

Pt. Jawharlal, continuing, said that to preserve the Congress the only way was to hold a Special Session. All members of the present Working committee had all along favoured a Special Session as the only solution of the difficulties, " Are you going to keep the Congress intact or let it go to pieces ?" he enquired. It was no rebelling or keeping quiet. They had to take the decision of the country, if he had been a member of the Swarajya Party he would have tried to capture the Congress and work through it.

Babu Rajendra Prasad also supported the motion.

Lala Dunichand of Ambala in opposing it said that a Special Congress, if not a design, was a device to turn the Swarajya Party out. He appealed to the House not to do so. " I ask you " he said, " not to drive another nail in the coffin of the Congress,"

Sjt. Rajagopalachariar supporting said he endorsed everything Pt. Jawharlal had said. He thought that the action of some

committees in revolting was a grave matter for serious consideration. The Gaya resolution was binding on them. He was not satisfied with the Bombay resolution. To call him a rebel was to use a general expression. He was a rebel against the A.I.C.C., but not against the Congress. He did oppose a Special Congress at Allahabad, for there was no reason then for calling one. Now a new situation had arisen. The A.I.C.C. had chosen to reverse the decision of the Congress. It was a grave attack on the Congress, far graver than the attack he had to make in defence of the Congress constitution. As for the question of jurisdiction, he maintained that those who said the A.I.C.C. acted properly were wrong. It had to be settled. The question must be put before a Special Congress.

Mr. Rangaswami Iyengar :—“Is jurisdiction the only question coming before a Special Congress? If the Special Congress decides in favour Council-entry will Sjt. Rajagopalachar support it?

Sjt. Rajagopalachariar replied that a grave attack had been made on the Congress and the question must be settled by the Congress. No outer tribunal could decide it. They were a voluntary organisation and could not go to courts. If a Special Session decided in favour of Council-entry, it would be futile for him to say it should not do so, whether he agreed or not.

Mr. Das who opposed the motion started by saying that if any doubts had existed in his mind as to the justification of calling a Special Congress they had been entirely removed by Mr. Rajagopalchari's speech. Only the other day a compromise resolution had been passed in Bombay, and the Working Committee stuck to it. He did not know how those who had passed it and approved of it could upset it now. If the Working committee wanted to resile, it could not have done better than to put the motion of a Special Session before the House. The very obstruction they voted against in Bombay they were effecting here. If they wanted to resile from it there was no reason why they should not. He had always stuck to his position. He was taken to Bombay and there the compromise resolution was passed. He did not know how two conflicting positions could be accepted at the same time by the Working Committee. If they wanted to rescind the Bombay resolution, let them rescind it. But they said with one voice “Do not obstruct” and with another “Go on obstructing”. The A.I.C.C., could not pass two contradictory resolutions one and the same day. They were going to have a Congress in December and then why this Special Session? They said they had disputes and would settle them. “Settle them as business men, at this very minute and afterwards, if necessary, call a Special Session to give effect

to it", said Mr. Das with warmth. "What was the Congress? Themselves? Some followed him and some followed others. The country was sick of differences among leaders. Let them settle them, that hour, that minute. Was the settlement a mere matter of formality. No, it was not? A mere passing of resolutions? Why did he disobey the Congress resolution? For, everything within him called him to disobey. He wanted India to present a united front to the bureaucracy. Let them sit down there and settle their differences and unite. He was prepared to give up something. Let them give up something, and let them arrive at an agreement. If they had not the courage to make that sacrifice, to give up something to achieve unity, how could they call a Special Congress? What would that ensure? The war of independence! If he honestly believed he would raise the enthusiasm of the country by sacrificing his programme, he would face it as men prepared to lead the battle of freedom."

Continuing, he explained his own attitude towards the question of the Special Congress at Allahabad and Bombay, and finally said it was not fair to fasten a Special Congress on him now.

Mr. Prakasam then replied and the motion was put to vote. 76 votes were in favour and 66 against it. Mr. Abhyankar called for a division and the result was 80 for and 67 against. The motion was carried. The meeting then adjourned till the next day.

### Second Day

Next day, JULY 10th, the A. I. C. C. met again with Dr. Ansari presiding. Pt. Jawharlal Nehru moved a resolution condemning the Provincial Congress Committees that had defied the Bombay resolution. Pt. Jawharlal observed it was a case of indiscipline which would make work impossible. These committees may have disobeyed through higher motives of loyalty to the Gaya Congress whose mandate, as they say, was violated by the Bombay resolution. But that does not minimise their fault and they have to bear the consequences of the same. Even the Congress resolution may be violated on the ground of loyalty to God. But constitution is constitution and it must be respected. The resolution does not mean any slur on individuals. It simply enunciates a principle. It is no vote of censure.

Mr. Santanam seconding said it was no question of individuals but of principle. Subordinate bodies must conform to the decision of higher bodies without which no work could be done. This is a primary rule in all organisations. It ought not to be construed to mean a vote of censure.

Mr. Ranga Iyengar said howsoever mild may be the language employed by Pt. Jawharlal and Mr. Santanam the hard fact was

that the resolution was one of censure. It is no use hiding the real fact. If you have to censure, say so plainly, otherwise do not vote for the resolution.

One Bengal member observed, if it is not a vote of censure then please change the wording so as to make it the enunciation of a principle.

Mr. Anney was anxious to tell the House that the resolution indirectly hit the personalities that were primarily responsible for instigating the committees into insubordination and nobody could help it.

Mr. Gidwani said the Working committee at Bombay adopted a course which it itself found useless as will appear from the Special Congress resolution which they moved and the A. I. C. C. passed. Why then this heroism of condemning the Provincial Congress committees for doing what you yourself asked them to do now? By passing the Special Congress resolution you virtually rescinded the Bombay resolution and you have very little reason to be where you are now. The Bombay resolution was an illegal resolution. For disobeying that you are passing a vote of censure on us for which we do not care at all. We would not pay the slightest heed to it.

Mr. Rangaswami Iyengar said the speeches of Mr. Gidwani and his friends showed utter anarchy and rebellion in the Congress camp.

Mr. Venkatram in an elaborate speech pointed out that the Provincial committees were not subordinate bodies to the A. I. C. C. but owed direct responsibility to the Congress. He quoted an article of the Congress constitution in support of his statement.

Mr. Abhyankar remarked that the resolution was a milk and water resolution. It might be more strongly worded. The Working committee ought either to resign or pass a resolution condemnatory in proportion to the guilt of the committees.

Mr. George Joseph said he was doubtful whether the Provincial Congress committees were subordinate bodies to the A. I. C. C. By moving the condemnation resolution the Working committee placed itself in an undignified position. For getting the Special Congress resolution passed they made friends with the majority party and now to condemn the majority party they were joining hands with the Swarajya Party. That was an undignified position. Let the Special Congress decide whether the Provincial Congress committees were right in disregarding the Bombay resolution or not. Why was there so much haste? There was no use of that resolution. The Centre Party was nearer to the Majority than to the Swarajya Party. Let not the Working committee then dispense with the support of the Majority Party which it embraced that very noon. If it was a vote of censure it might be nullified by the Special Congress if it decided against the Bombay resolution. If it was enunciation of a principle,

there was no use of that resolution which he, therefore, requested the mover to withdraw.

Mr. Ramachandra Rao of Utkal asked the mover to delete the second clause of the resolution referring to disciplinary action.

Mr. Satyamurti said the original order of the resolution was purposely changed. The Special Congress resolution was then first in order to enlist the support of the No-changers. Even the Satyagraha resolution might be treated in the same way as the Bombay resolution. The Working committee ought not to have allowed their prejudices in regard to the Council entry to cloud the real issue.

Babu Rajendra Prasad said: I was since the beginning against the Bombay resolution. It is said we disobeyed the Bombay resolution, but who taught us that lesson? It was the A. I. C. C. which did it by flouting the Gaya resolution. The Working Committee wisely referred the matter to the Special Congress. Not less than five Committees asked for reconsidering the resolution and you have to take into consideration the feelings of those who chose to disobey the Bombay resolution. You hold your hands now: Let the Special congress decide. Look at the resolution dispassionately. No use drawing a red herring across the path of the Majority Party. All that the P. C. C's have done is to record their opinion of standing by the Congress according to their idea. The resolution is premature. By passing this resolution you will be giving additional reasons for greater animosities and rancours. The committee acted within their right. Even if a police enters my house with illegal warrant I have every right to drive him out. Whatever the Provincial Congress committees have done they have done at their risk.

Mr. T. Prakasam said the resolution evoked much ridicule, laughter and so on. But the honour of the A. I. C. C. and not of the Working committee was involved in it. The A. I. C. C. reaffirmed the Bombay resolution, and also passed a resolution in favour of the Special Congress. There is no inconsistency between the two as Mr. Gidwani says. The Bombay decision was trampled under foot by Mr. Rajagopalachariar. Babu Rajendra Prasad says the suspension resolution is *ultra vires*. But was not the Allahabad resolution suspending the Council propaganda for two months identical with the Bombay resolution. The Working committee which was in power at that time accepted that resolution. Now it does not lie in the mouth of Mr. Rajendra Prasad to say that the Bombay resolution was *ultra vires*. The Swarajya Party had their separate organisations. But unlike them Mr. Rajagopalachariar wanted to use the Congress funds for his propaganda against the Bombay resolution. You need not sympathise with the Working committee. It has asked you to take care of your honour.

Mr. Das said: "I do not agree with some who say it is milk and water resolution. It is just as it ought to be. Some thought the Bombay resolution was *vultra vires*. Some said it was not. The A. I. C. C. is to decide the issue finally. It is empowered to legislate and has got the same authority as the Congress when the latter is not in session. The right course for the P. C. committees was to record their opinion and ask for a Special Congress. The P. C. committees had no authority to say that the A. I. C. C. had rebelled against the Congress and take the law into their own hands. You are therefore bound to censure the rebellious committees. My rebellion is of a different character. I do not carry out my Council propaganda in the name of the Congress."

Mr. Rajagopalachar said: "The Working Committee failed to give notice of this censure resolution and it was not on the agenda. Mr. Das says his rebellion was of a different line. The line or manner of the rebellion does not matter. It is rebellion still. After all, the purpose of a constitution is more important than the constitution itself. I maintain that the Bombay resolution touched the Gaya resolution. The Working Committee says it is untouched. If the former be the case, who is to carry it out? The Bombay resolution says: "Do not interfere with those who act against the Gaya resolution." Is it not giving a serious blow to the Gaya resolution? Has not the Bombay resolution raised doubts in the minds of voters as to the real meaning and purpose of the Gaya resolution? How are those doubts to be removed? If propaganda is to be prevented by passing this condemnation resolution, you would be again touching the Gaya resolution. The Allahabad precedent of which Mr. T. Prakasam makes so much is out of place. It merely suspended the Gaya resolution for two months. There was after that ample time to carry it out. But the Bombay resolution gives a final blow and kills the Gaya resolution. We refuse to be a party to that. Mr. Das says the A. I. C. C. must be obeyed. Just consider the other side also. The P. C. committee's are primarily responsible to the Congress and their electors. Independent of your decision, it is directly responsible to the Congress."

Pt. Jawaharlal in reply said: "I was apologetic in my tone because I wanted to avoid bitterness. Mr. Gidwani made it clear that they would not take any cognisance of what this House might do. That showed the spirit of indiscipline. I was touched by Mr. George Joseph's appeal to withdraw the resolution. I would have gladly done so had I got something in the nature of an explanation of their position by those affected by this resolution. It is wrong to establish a connection between the Special Congress resolution and this resolution. The Council controversy is the basis of the former and the principle of



discipline that of the latter. Mr. Rajagopalachari admitted the constitutional change. Only he says that the purpose of the constitution is greater than the constitution itself. It was open to him and others to take constitutional steps to reverse the Bombay decision. But they proceeded wrongly. There is no trick behind the Special Congress resolution as some Swarajya Party members allege. We have all along been in favour of Special Congress. I again say the resolution does not amount to a vote of censure, but is merely an enunciation of principle."

On being put to vote the resolution was lost by 65 votes against 63. This made the position of the Working Committee difficult in the extreme. It decided at once to resign.

And on the Committee reassembling next day, July 11th, Dr. Ansari declared that the defeat of the censure resolution, although by a difference of two votes, compelled him and the other members of the Working Committee who were present to tender their resignations (excepting four, that were absent) because they could not consistently with their position continue to be the executive of a body which was unable to protect its own honour. He then read out the resignation letter which was signed by himself and his colleagues present at Nagpur. The closing sentence of the resignation runs thus: "By passing this resolution this Committee has made it impossible for the Working Committee to continue in office and carry on their work." The letter of resignation was signed by Dr. Ansari, Dr. Syed Mahmud, Mrs. Sarojini Devi, Pandit K. Santhanam, Moulana Abul Kalam Azad, Dr. Varadarajulu Naidu and Messrs. T. Prakasam, Virumal, Omar Sobhani, Purushottam Das Tandon and Jawaharlal Nehru.

Dr. Ansari then left the meeting. Mr. C. R. Das was elected President for carrying out the remaining items on the agenda.

Mr. V. J. Patel at once rose and moved the following resolution:—

"Having regard to the general statement made in the course of the discussion on the last resolution last night, it is necessary for this Committee to declare in express terms its adherence to and insistence on the propriety and validity of the Compromise resolution passed by this Committee on the 26th May and this Committee accordingly makes the said declaration. This Committee further resolves that the attempt of certain Provincial Congress Committees to act contrary to the said resolution is deplorable and this Committee hopes that such conduct as aforesaid will not be persisted in."

He said he brought forward that motion in order that the Working Committee might be enabled to reconsider their resignations. A difficult situation had been created and some way had to be found out of the muddle. At Bombay they passed a Compromise motion, and at Nagpur they threw out

Sjt. Nag's motion. Then the Working Committee brought forward a resolution asking the House to enforce discipline against certain Provincial committees which had defied the Bombay resolution, and in this the Working Committee merely asked the All-India Committee to maintain its own prestige, to save its own reputation but that the House refused to do so. Hence the Working Committee had resigned. He himself had no sympathy with the Working Committee which had brought trouble on itself by its own conduct. It joined the Sawarajya Party in getting the Compromise resolution passed, and the Majority Party in getting the Special Congress resolution passed. Then the resolution censuring the Provincial committees was rejected by the House. In this they did injustice to themselves, for they declined to respect their own resolution. Had not the time arrived for them seriously to consider the very delicate situation? How were they going to get out of it? The present Working Committee must remain in office till the Special Congress was over. If they wanted to make the Special Congress a success then the present committee which represented neither party must remain in power. To achieve it they had been asked to pass a vote of confidence. How could they do so when previously they had passed a vote of censure? (Cries of "No.")

The previous day, he continued, many things had been said in the face of which no self-respecting persons could retain their office. He was convinced if Mrs. Naidu was not on the Working Committee the Special Sessions could not be made a success. It had been said that the Special Sessions had given a go-by to the Bombay resolution. No Bombay resolution as a matter of fact remained there. They wanted the help and guidance of the Working Committee. Let them not look at the question from the party point of view. He pleaded with the Working Committee to withdraw the resignations. If it did not withdraw, something must be done to bring it round (laughter). It had been treated badly, it was true : but it deserved it.

Mr. Purushotamdas Tandon suggested that the attitude of the Working Committee be ascertained first.

Mr. Patel continued to speak, but Mr. Das rising said that the resignations might be accepted for he knew that the Working Committee had definitely determined not to withdraw. Mr. Patel repeated that the Working Committee be asked to reconsider their decision.

The resolution was duly seconded by Mr. Phookan. Mr. Rajagopalachariar opposed the resolution and asked his party-men not to take any part in the voting. When the resolution was put to vote it was carried with only one dissenting, Mr. Rajagopalachariar and his followers having abstained from voting. This caused further bitterness and the attitude of Mr. Rajagopalachariar's party and their inconsis-

tencies provoked unmeasured contempt from the others. Dr. Ansari and his colleagues however remained firm and refused to take office again.

### Nagpur Satyagraha

The other items on the agenda were then gone through, the most important being a resolution supporting the Nagpur Satyagraha. Doctor Mahmud moved the following resolution: "this meeting offers its congratulations to Seth Jammalal Bajaj on his incarceration for his part in the Satyagraha campaign at Nagpur and assures him of its whole-hearted support to the said campaign." The resolution was seconded by Mrs. Sarojini Naidu and supported by Messrs Ranga Iyer, Azad Sobhani, and several others and was passed unanimously.

The situation created at Nagpur submerged the Central party for compromise and again brought the old contending parties in the Congress out in the open, fighting and triumphing in their own way. The Swarajists claimed that the Bombay compromise was substantiated at Nagpur, that the Special Congress was unnecessary, and that the No-changers by calling the Special Congress at huge expense were wasting public money and energy. The No-changers declared that Nagpur nullified the Bombay resolution, and that the Special Congress was necessary to ratify their victories at Nagpur.

### The New Working Committee.

A fresh election then took place. It was dominated by the No-changers though their attempt to capture it wholesale was baffled. At the commencement of the elections a motion was placed before the House that Messrs Rajagopalachariar, Vallabhai Patel and Rajendra Prasad should be allowed to nominate the members as in a cabinet system. The proposal however was negatived though the No-change leaders were allowed to nominate their candidates. Voting was then taken. The result was that a sort of coalition cabinet was formed, consisting of Swarajists, No-changers and the Centre Party, and placed in charge of the Congress executive, the majority being of the No-change party. Mr. Konda Venkatappayya was elected President, Mr. Ravi Shanker Jaggiwan of Bombay was elected treasurer, Messrs. Rajendra Prasad, Gopalkrishna Iyer and Sherwani were elected Secretaries. Messrs. Gangadhar Rao Deshpande, Vallabhai Patel, Rajagopalachariar, George Joseph, Mohamed Shafi and Dr. Varadarajulu were elected members of the Working Committee in the place of the six members resigned. Mr. V. J. Patel's name for secretaryship and membership was twice proposed, but he declined to accept any office on the Working Committee.

## The Vizagapatam A. I. C. C.

After Gaya came Allahabad, then Bombay and then Nagpur. But still the trouble did not end. Another A. I. C. C. meeting was requisitioned. Immediately after the Nagpur meeting Mr. Ranga Iyer and 30 other members of the A. I. C. C. from Madras, Behar, Bengal, the U. P. and the Punjab sent a requisition to the president to convene another meeting in order to reconsider the decision reached, according to them, in a hurry to hold the special session of the Congress. They stated that the question of special Congress was not on the agenda submitted and referred to the closeness of voting on the Special Congress resolution owing to the absence of members who had no information that the question would come up for consideration.

Accordingly Mr. K. Venkatapayya, the new President, convened a meeting of the A. I. C. C. at Vizagapatam on the 3rd August 1923. About the venue of this meeting there was a further conflict. The requisitionists wanted the meeting to be held at Calcutta or Bombay, but the President thought better of his own province. On this the Maharashtra members and others of their way of thinking refused to attend. Only 45 members, mainly from South India and Andhra, of Mr. Rajagopalachari's following, attended. On the day previous, however, the requisitionists suddenly withdrew their requisition which of course was of little avail now. None of the requisitionists attended the meeting.

As to what happened at the meeting Mr. Konda Venkatapayya, President, All-India Congress Committee, issued the following statement to the Press:—"The All-India Congress Committee which met on the 3rd instant at Vizagapatam resolved that the Special Congress should be held at Bombay as early as possible in September, at the same time empowering him as President to fix the venue at any other place in case of difficulty arising in the matter of holding the session at Bombay. Mrs. Sarojinji Naidu expressed her opinion, both before and at the meeting of the All-India Congress Committee, that Bombay was not at all anxious to hold the Special Session, and after the meeting she, as President of the Bombay Provincial Congress Committee, wrote to him that Bombay cannot hold the Special Session for various reasons. But as the Delhi Province has extended a cordial invitation on condition that the Bombay Provincial Congress Committee grant a loan of Rs. 25,000, she assured the President that the amount shall gladly be granted on the recommendation of the Working Committee of the Congress. Next morning he approached her with a request for a revision of the decision. In reply she mentioned that the

decision had been arrived at after consultation with important members of the Bombay Provincial Congress Committee without whose co-operation it was impossible to hold the Special Session in Bombay. She also stated that it was not possible even to convene the meeting of the Bombay Provincial Congress Committee before the 13th August and in the letter in which she wrote to the President subsequent to this interview she wrote after mature consideration regretting that she could not see her way to reversing her opinion, especially as the leading members of her committee, who would naturally be in charge and without whose co-operation and influence it is not possible to convene a Special Session, are unwilling and have authorised her to say so definitely. She therefore requested him to accept that as Bombay's final decision. Under these circumstances he felt that he had no alternative except to accept the invitation of Delhi and he had fixed 15th September for the meeting of the Special Congress at Delhi. It is hoped that every Congress organisation in the country will send its full quota of delegates to make the Special Congress fully representative so as to give a definite lead to the country on the momentous issue that had been before it and to restore to the nation unity and earnestness of purpose which characterised all efforts during Mahatmaji's leadership."

Mrs. Naidu, however, in a statement to the Press explained the change of venue, thus: "Directly I reached Vizagapatam, however, it was made abundantly clear that the Delhi invitation was to be unceremoniously brushed aside and the Special Congress thrust at all costs on Bombay as furnishing a secure vantage-ground for the manoeuvres of the so-called majority party, against the minority. I immediately protested against such a course and begged the President and the Secretaries and several leading members of the All-India Congress Committee before the meeting not to force an issue as I considered it my duty to strenuously safeguard the Committee and my province from being exploited for such unworthy party purposes and that, however ungracious, high-handed and even unconstitutional my persistent refusal might appear, I could neither be cajoled nor coerced into condoning the insidious and unchivalrous tactics of a small group of irreconcilables whose attitude and action during the recent months have resulted in not merely ruining the prestige, but threatening the very existence of the Congress."

What more party squabbles took place at Vizagapatam are not known clearly, as the proceedings were not open to the Press. It was however accepted on all hands that the Special Congress should be held at Delhi on the 15th September. The attitude of the Svarajists upon whom the Special Congress was thus thrust was

summed up by Mr. Das in a manifesto issued on August 10th. as follows :—

**Mr. Das's Manifesto.**

I call upon all Congressmen to welcome the Special Session at Delhi. I repeat the appeal for unity which I made at Nagpur. To-day the bureaucracy seems to be all powerful. Indians have no rights either at home or abroad. There are laws on the statute book to crush every kind of true national activity. I never entertained any illusions about the Reforms Act, but the working of that Act for the last few years had demolished the faith of those who did accept it. Now the truth is recognised that the bureaucracy intended it not to confer, but to impede, self-Government. Under such depressing circumstances the vision of Swaraj seems to many but an empty dream. The bureaucracy must be crushed, the rights of the Indian nation secured, the honour of India vindicated and Swaraj achieved.

The question of all questions to-day is how to achieve this. In the healthy growth of every nationality there must occasionally be a clash of ideals and methods and yet there must be closing up of ranks. The time has come for the Congressmen of India to close up their ranks. This is not difficult. What is wanted is clear vision and fixed purpose. Let the policy be one of inclusion and not of exclusion. Let all those who firmly believe in the principle of non-violent non-co-operation be ready to sacrifice this or that little point so that the spirit of resistance may grow, the strength of the nation develop and the application of that great principle be made possible. Let not that great principle degenerate into a cramping creed. If only we look at all questions from this point of view, there is no room for doubt or despair. Let us not pin all our faith to particular items of work. I want but a little toleration. I want that all Congressmen should appreciate each other's views and when there are different schools every attempt should be made to give effect to the teaching of all those schools. Only we must rescue the Congress from title-hunters and place-hunters and those who are ever eager to defend the bureaucracy.

The real sanction of national activity is the power of the people. The task of the Indian National Congress for the next two or three years is the creation of that sanction which no bureaucracy can disobey. This sanction is created when the people of this country are prepared for civil disobedience. I ask all the Congressmen of India so to direct their activities in different fields of our public life that sooner or later this force upon which we rely may be generated and this sanction established. Is it too much to ask from the members of the Indian National Congress to entertain a little toleration for the views of those to whom they are opposed? Council, National Education—what are these but the preparation of our battle ground? We must present to the bureaucracy one whole united India, people determined to achieve their freedom. Let the honour of the country be vindicated by unanimous verdict at Delhi. Congressmen of India, unite.

**Release of Lajpat Rai & Mahomed Ali**

Soon after this the release from jail of Lala Lajpat Rai, M. Mahomed Ali and Dr. Kitchlew brought a new flux in the course of Congress affairs. The advent of M. Mahomed Ali, the right-hand man of M. Gandhi and the hero of the famous Karachi trial of 1921, turned all eyes towards him, and from this day the fortunes of Mr. Rajagopalachari as a great party leader began to wane. His views though not publicly expressed were known to be against Council-

entry but he was equally against the policy of ousting such great leaders as Messrs Das, Nehru and Ajmal Khan from the Congress. Lala Lajpat Rai issued a definite statement of his views on current politics in which he strongly urged for unity, which he said if the special Congress failed to attain, he for his part would retire from the Congress. According to him though he himself was 'not in love with the Councils' and 'has no delusions as to the part they can play in bringing Swaraj, to me a Congress without these personalities (Das-Nehru-*cum* Swarajists) would be a sorry affair." He also declared that personally he was not prepared to seek election even if the bar was removed.

Such strong views expressed by such veterans of the Congress went a long way to bring back the old popular confidence in the Congress, and to stem the very spirit of non-co-operation, first aroused to destroy the Government, from recoiling on the Congress itself and secure its destruction. The No-changers who had set great store on a decisive victory at Delhi now became dis-spirited. And to add to their discomfiture some serious mass Hindu-Moslem riots broke out in Saharanpur, Agra, Muttra, Panipat and Allahabad. Communal riots meant lesser chance of civil disobedience, and this in its turn meant a better chance of the Swarajist alternative proposal. So great was the communal feeling roused at this period in Northern India that all other differences seemed but childish before it. This sudden outburst was due to the session of the Hindu Mahasabha (see p. 129) which was viewed with great suspicion by the Moslems, and it seemed as if the whole of Northern India would soon be dragged into a welter of slaughter such as was perpetrated by the Moplahs in Malabar in the hey-day of non-co-operation. It was under such unhappy circumstances that the Special Congress was held at Delhi.

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# The Delhi Special Congress 1923



# The Special Congress

*DELHI—15TH SEPTEMBER 1923*

The Special Session of the Congress met at Delhi at a specially erected pandal on the 15th September. A little less than 2000 provincial delegates and about 3000 visitors attended, but even this small number of delegates thinned out to considerably less than half on the third and fourth day. Besides members of the Reception Committee and the All-India Congress Committee many leading men outside the Congress circle attended to see how unity was attained. The Bengal delegates under Mr. Das mustered strong while Messrs Rajagopalachariar and Vijayraghava-chariar with their followers were absent. The dominating personalities were Mr. Mahomed Ali, Dr. Kitchlew, Dr. Ansari, Moul. Azad and Mr. Das.

## Informal Conferences

Previous to the opening of the Congress several informal conferences were arranged to secure unity in Congress ranks, not so much on the question of Council-entry on which the No-changers had engaged themselves so long, but mainly on the question of Hindu-Muslim differences. On September 11th the leaders' conference met to let representatives of Ulemas on the one hand and of the Hindu Mahasabha on the other speak out their respective grievances. Maulana Ahmed Sait, Secretary, Ulemas' Conference, presented his point of view. He is recorded to make certain charges against Swamy Shradhanand's movement to which the Swamy replied at great length, giving out how he came to sever his connection with the Congress and how the religious issue had come to the front. In the next two days Pandit Malaviya was the hero on the Hindu side and a Moulvi from Deoband on the Mahomedan side, and after prolonged deliberation the result was that a committee of fourteen Congressmen, of whom seven were Hindus and seven Mahomedans, was appointed to consider the suggestions made in the course of discussion towards Hindu-Muslim unity, including those by Pandit Malaviya. The speech made by him was long, but it was his able exposition of the objects underlying the Hindu Mahasabha and the Sangathan movement that cleared many of the misapprehensions that had gathered round the subject.

Many Mahomedan speakers, including Moulana Azad Sobani, Moulana Abul Kalam Azad, Moulana Mahomed Ali and the Moulvi from Deoband pointed out that on principle they had no objection to these movements, but that the circumstances which attended their birth had lent a disagreeable view which if not allowed to be removed

in time by suitable assurances and remedies might develop into factions endangering the national cause which they all had so much at heart. They therefore suggested to their Hindu brethren to completely drop the Sangathan movement or so to modify its programme as to eliminate the militant complexion which it possessed. This was considered essential before the question of Hindu-Muslim Unity could further be discussed, and if it was not done, they (Mahomedans) might be forced to start their own Sangathans as they were in a minority. As regards the Shuddhi movement, round which also a good deal of misunderstandings had arisen in the minds of Mahomedans, it was pointed out that its character as a mass movement should be eliminated and the Hindus should adhere to their old silent methods of advancing their religious cause.

Pandit Madan Mohan Malaviya again spoke pointing out that the Mahasabha and the Sangathan movements were not started with any view to be aggressive against Mahomedans, but only to protect the interests of their own community. He referred to the recent riots (see chronicle of events) in which the Hindus had suffered and in which the Congress organisations had failed to afford protection to the aggrieved parties. Other Hindus, including Swami Shradhanand, emphasised that if there were no further attacks against the Hindus, then this question of the Sangathan movement would automatically drop. In view, however, of the desire of the Mahomedan community and in the interests of unity, the Hindu leaders were prepared to make a compromise of their position by allowing the Sangathan movement open to all including Mahomedans. It was then that Moulana Abul Kalam Azad proposed that a sub-committee be appointed to consider all the various suggestions made during the discussion and to report before the 15th which was accepted by all.

#### On Council Entry.

There was another informal conference of leaders for over two hours on the question of Council entry. Moulana Mahomed Ali who conducted the proceedings opened the discussion with a speech which showed that he was fully alive to the gravity of the situation that confronted the country and willing to examine the views he had expressed soon after his release. Pandit Motilal Nehru handed to Moulana Mahomed Ali a draft resolution which he begged the assembly to consider. By this resolution the permission of the Congress was sought to make Council-entry and the contesting of elections permissive on such conditions and terms as would be imposed by a committee to be appointed for the purpose.

#### The Chairman's Address

On the Congress opening on the 15th. Dr. M. A. Ansari,

Chairman of the Reception Committee, in his address briefly touched on the Lausanne Treaty and then referred to the Hindu-Moslem problem, a satisfactory settlement of which alone could be the basis of Swaraj. He said :—

'But what are we doing to win Swaraj? The basic condition for Swaraj is inter-communal unity. We are being torn by communal strifes. Complete Hindu-Muslim Unity which ought to have been a settled fact to-day is conspicuous by its absence. Years of hard work in various fields have failed not only to make unity a permanent and solid factor of civic life but even to check the present recrudescence of communal discord, the neglected disease, which now threatens the very existence of Indian Nationalism.

'Let me not be misunderstood. I do not for a moment suggest that complete communal understanding is unattainable. On the contrary, I firmly believe in the ultimate and, under suitable conditions, even in the immediate achievement of the desired understanding. But I do make the painful confession that we have failed in our duty. The recent unfortunate happenings in various places have strengthened my conviction that in the first instance we did not devote sufficient attention to a matter whose importance demanded our best efforts. Misled by superficial appearances we became content with what really was but a courteous *entente*. As if the neglect itself was not most deplorable, there arose differences in the Congress and drove this vital necessity of national life out of our minds. So far from consolidating Hindu-Muslim Unity we seem open to the charge of having helped to consign it to oblivion.

Turning next to the Council controversy, he said,—

'My views regarding Councils—the central question of controversy—are already known. I still firmly adhere to those views and offer no apology for insisting on the futility of entering the legislatures. But I claim to love the country and the Congress more than I loathe the Councils, and cannot shut my eyes to hard facts. If, on one side, I see honest protagonists of the boycott of Councils determined to vindicate their conviction, I also see on the other side equally honest men similarly determined in regard to their opinions in favour of entering the Councils, and who can say that chaos will not overtake the Congress if this state of affairs is allowed to continue? A solution therefore, has got to be found to bring the warring elements together. It is no doubt in your power to give the palm to any one of the parties, but it will not improve matters. You have to consider this question in a different spirit. Both parties will have to make sacrifices for the higher purpose of attaining Unity and I have no doubt, from the undoubted patriotism of both, that they will not grudge the sacrifice that Unity demands.'

### The Presidential Address

Moulana ABUL KALAM AZAD delivered a lengthy address in Urdu. He said that the Congress had already given up its old attitude of criticising and protesting against instances of bureaucratic wrong doings. Their efforts were now directed against the system itself which had continued to exist, not on account of any innate strength of its own, but because of their own neglect and weakness. Injustice was the essence and not an accident of that system. He was, however, glad that three years' working of reformed councils, the salt tax, and the unfulfilled promise about Indianisation of the Services and, latest of all, the Kenya decision had disillusioned the Moderates and he hoped that if the Liberals sincerely believed that the time had come for protecting Indian honour they should sink their petty differences as to method and unite to guard that honour. He then turned to the Turkish victory and the Moslem attitude and then to the more pressing problems of the day, and said :—

Britain wished to crush Turkey, but Turkey grew strong in spite of British intrigues and designs. Britain refused to yield to the claims of justice, but she has bowed her head before the will of a nation. She often wrote her decisions with the pen. They were torn to pieces with the sword. India must make common cause with the universal struggle of eastern nations to shake off the fetters of slavery and should assure Egypt, Syria, Palestine and Morocco of her sympathy with their struggle. In particular India should reaffirm her determination to secure the independence of "Jazirat-ul-Arab". This was required not only because it formed part of the religious faith of the Mahomedans, but the cause of advancement of India's freedom was bound with its independence. Geographically the fortunes of India, Egypt and Arabia were linked for ever. The desire to perpetuate the slavery of India made the possession of the Suez Canal necessary for the British and now the independence of Arabia was being sacrificed to maintain India's evil plight by keeping a stronghold of the British power in Arabia. Indians having been responsible for the slavery of Middle Eastern countries were now washing their sins and were marching to jails so that justice may be done to the Turks and Arabs in appreciation of India's services. Mr. Gandhi's name had become a watchword in Cairo and Constantinople. By supporting the Khilafat cause Indians were also advancing their own national cause by producing a will for freedom. It was his belief that the support to the Khilafat movement was the greatest service of Mahatma Gandhi.

### The Bardoli Shock

In their march for freedom if they had come to a dead halt, they must start afresh. If there was a rift in the unity, it did not matter, and they should reunite. "The lightning which has stricken us is one of the ordinary accidents of this venture. In the course of a national struggle it has overtaken many before us and will overtake many who will come after us. There are rises and falls. We make a mistake in interpreting a fall as a cessation and rise as a new birth. We would be in error in regarding the suspension of any national activity as cessation of activity, an error similar to that of concluding that tides of ocean will not rise tomorrow because they have ebbed today. Thus our struggle suffered by suspension at Bardoli after it was proceeding at a rapid pace. This sudden pause produced a shock and the general inactivity of the movement caused a split in the Congress. The rupture of Hindu-Moslem

unity, failure of all attempts to bring about union, all these are natural results of the Bardoli shock. But there can be no question of our relinquishing the struggle owing to temporary despair. The trial before us to-day is a temporary slackening of our activities provided we do not let our ailments grow into anything serious. Unity is all we need and it is in order to establish it that we have gathered here to-day."

Of the three alternatives before them all, acquiescence in the present conditions, armed revolt, and non-co-operation, they had chosen the last and meant to pursue it. History had taught that freedom never came as a free gift. The question was, should the will of a people prevail or only such rule as had been established by armed force? The object of the Non-co-operation movement was to deprive by boycott its enemy of the finest troops supplied by various institutions. The experiment had succeeded to the greatest possible extent. Not only the mentality of the masses was completely changed, but so completely did it eradicate the fear of punishments and pains in the cause of liberty that imprisonment has become a sport and formidable law courts the "theatres of public entertainments." The Viceroy's Calcutta speech for a Round Table Conference showed the desire to secure either a truce or peace by any means possible and proved that the course of Non-co-operation was effective and unerring. But the Bardoli mistake brought a reaction and a fall which was aggravated by undue importance being attached to the Council controversy.

Now the first question to consider is whether the difference about Councils was one of principle or details, because where a policy was involved each was entitled to hold his opinion but in the matter of details the discipline of the organisation and its mandate must be observed. He unhesitatingly asserted that the difference on the Council issue was really not one of the principle of Non-Co-operation, which meant nothing less than that they do not co-operate with the bureaucratic administration. "Freedom is our goal and non-violence and Non-Co-operation our principle. For the attainment of the goal we have adopted a programme every one of whose items is a means to the end. We cannot change the creed or renounce the principle, but we can change our tactics any moment at will. If we refuse to introduce such changes, it means that we refuse to fight." He regretted to find that such energy had been wasted on the Council controversy as if the very life of the national struggle hung upon it. If after Gaya they had remained united and not frittered away the valuable year 1923 in the controversy, Hindu-Moslem unity would not have been breached. A united army was more essential for the fight than even arms. For the last one year they had been quarrelling about the nature of weapons, not troubling about the state of the army. Even admitting that the entire victory consisted in the capture of the Councils when their organisation had become chaotic, the discipline of national centres destroyed, and Hindu-Muslim unity fractured, how could they either successfully boycott the Councils or capture the seats? "I regret to say that the party opposed to all changes must beware lest we should inadvertently be betrayed into blind obedience or total inertia and the party insisting on the introduction of changes have failed to realise that we must not ruin the discipline of our organisation for the sake of a minor difference."

#### Hindu-Muslim Unity

The last subject touched by the President was Hindu-Moslem unity which, he said, must be the foundation for any political structure and without which freedom of India must remain a dream :—

He recalled that only so far back as 1912 the Mahomedans were keeping communal aloofness because they feared that being in a minority and being backward, their existence might be endangered by an alliance with the Hindus.

In the national struggle he was the first Mahomedan to urge his co-religionists in 1912 to join the Congress, but his voice then was not heard. In 1916, when interned at Ranchi he learnt that the Mahomedans had at last realised the truth and were eagerly entering the Congress. What was the position to-day? When the world was turning its ears to hear the tale of freedom, India had prepared a tale of slavish shamelessness and mad riots. Instead of 'Swaraj' and 'Khalifat' cries were heard: "Save Hindus from Mussalmans and save Mussalmans from Hindus." "I beg of you who represent the intellect and voice of India to remember that it does not matter in the least whether you decide that Non-co-operators should or should not go to the Councils. For God's sake decide here and now whether India is to protect the maimed hopes of her freedom and emancipation or whether she is to bury them in the blood-stained soils of Saharanpore and Agra". As he deprecated the communal standard and aloofness of Mahomedans in 1912, so he was opposed to the standard of Hindu Sangathans and Shuddi movement. He was not opposed to them in principle. He knew its promoters always ended with a message of peace and love, but although Christ exhorted the people to forgive their enemies, the world had not been able to forgive even friends. In an atmosphere of jealousy and revenge love could not be maintained. If they wanted the country to be free they must postpone all such activities for the sake of the bigger cause, no matter how dear they might be. He deplored the Multan excesses of the Mahomedans and urged the preparation without delay of a national pact to elucidate and define the national goal and future relations between the communities. "India is a wonderful land. It is quite possible that the freedom of three hundred millions of people will be delayed because a procession passed by a Mosque singing and beating drums or the branches of a tree on the high road - were lopped!" To put an end to such a state of affairs a committee of select members of the two communities should be appointed to prepare a draft pact for submission at the next session. India being inhabited by people of different religious persuasions and prejudices, disturbances now and then were quite possible but the remedy lay in not giving them a sectarian colour but to blame the guilty and sympathise with the wronged party. The Maulana concluded: "To-day in the name of our common Motherland from this platform, the cradle of United Indian Nationalism, I appeal to both communities not to trample so cruelly upon the national aspirations and hopes. To-day we can achieve the greatest possible success but the greatest possible failure may fall to our lot. Our determination, our courage, our patriotism are under a very great trial. Come, let us succeed in our task by devoting ourselves to the building up of our common destiny."

### The Subjects Committee

After the Congress rose the Subjects Committee met at seven in the evening to consider the compromise resolution and after four hours discussion passed a resolution by an overwhelming majority.

A Sub-Committee appointed to consider the election dispute of the Bengal delegates unanimously upheld the election of the Swarajya Party delegates, thereby endorsing Pandit Malaviya's award. This decision added considerably to the voting strength of the Swarajya Party.

Moulana MAHOMED ALI moved the compromise resolution in a form slightly amended from the original draft. The resolution ran:—

"While reaffirming its adherence to the principle of Non-co-operation, this Congress declares that such Congressmen as have no religious or other conscientious objections against entering legislatures are at liberty to stand as candidates

and to exercise the right of voting at the forthcoming elections, and this Congress therefore suspends all propaganda against entering Councils. The Congress at the same time calls upon all Congressmen to redouble their efforts to carry out the constructive programme of their great leader, Mahatma Gandhi, and by united endeavour to achieve Swaraj at the earliest possible moment."

Moulana Mahomed Ali said the country was sick of dissensions and they must cease fire. To him it appeared that if the existing conditions continued they would smash themselves rather than smash the government and Councils. That was why in the higher interests of the country to secure peace, harmony and unity, he was moving the compromise resolution, although his view of Mahatma Gandhi's Non-co-operation programme had not changed a whit. In fact he considered it disloyalty to the chief in Yerravada to think of contesting the elections and entering the Councils, because to him it appeared to be against the principle of non-violent Non-co-operation. But there were others who differed from this interpretation. He would implore his friends in the name of loyalty to Mahatma Gandhi to resist from going into the Council, because of their knowledge of their working during the last so many years. But they must be given the same liberty of interpretation which he claimed for himself and the Subjects Committee should remove the stigma that at present attached to them regarding entry into Councils. Then he gave a remarkable "message from Gandhi" which electrified the audience and carried the house. He said:—

#### The Mahatma's Message

"I do hope that they will succeed in crushing the Government instead of getting caught like a fly in the spider's web. There is no party and there is no person whom we can place higher than Mahatma Gandhi. I believed in Mahatma Gandhi even more than in Non-co-operation and by some soul forces which shall remain nameless, or by some mysterious wireless, Mahatma Gandhi communicated to me the following command:—

"I do not want you to stick to my programme. I am for the entire programme. But if looking at the state of the country you think that one or two items of the boycott programme should be discarded or modified or added to, then in the name of love of country I command you to give up those parts of my programme or alter them accordingly."

Continuing the Moulana said that after Bardoli and the imprisonment of leaders, depression had set in leading to the present undesirable conflicts and dissensions, and the fire of enthusiasm in the cause of Liberty which had kindled every heart had subsided but had not altogether disappeared. It was smouldering and the supreme need of the hour was to rekindle it. But this would not be possible in the present atmosphere of dissensions and bitterness. He therefore implored them in order to enable the country to devote itself to the constructive programme, to permit Councilites to enter the Councils and remove a cause of distraction. He believed that the Bardoli halt was a mistake. But he often found that the Mahatma's actions were justified by time. But whatever his opinion about the Bardoli shock, he believed that Gandhi was the only man in the world who had the courage to come forward at such a critical moment and say he was wrong. Although it might appear to them a paradox that he holding such anti-council views should have been imploring them to accept the compromise proposition, he assured them it was only because after feeling the pulse of the country he had found that it was sick of dissensions, and the trumpet call must now come forth ordering 'cease fire.'

As a Muhomedan he felt the religious and conscientious objections to Council entry and had hence inserted those words in the resolution. But he was not one of those who would gather faggots to burn his opponents because of difference in the interpretation of the Holy texts. One gain from the compromise would be

that they would at once begin with the constructive work. As for Swarajists he wished them all success and God-speed and believed that after the first flush of victory or disappointment of defeat they would come back and join them in order to push on the constructive programme. He assured Mr. Das and his friends that after disillusionment they would be welcome and would be received with open arms and would not be reminded: 'we told you so.'

Pt. Malaviya then seconded the resolution and Mr. Das supporting complained that many harsh things have been said by M. Mahomed Ali through profound ignorance of the programme of the Swarajya party and he requested his partymen not to speak on the resolution as that would lead to controversy and destroy the harmony which had after so long been reached.

Mr. Rajendra Prasad, Principal Gidwani and Mr. Vallabhbhai Patel said that though they were opposed to the resolution they felt that they must yield to the call of unity coming from so many leaders and would not oppose the resolution but would throw the entire responsibility on M. Mahomed Ali. Other No-changers opposed the resolution. Mr. N. S. Varadachari criticised the resolution as absurd and foolish. M. Azad Sobhani felt that the compromise could not be possible so long as the Fatwa stood and opposed the resolution. Dr. Kitchlew supported it for the sake of unity and intimated that he would move for a strong Committee to organise civil disobedience. Mrs. Naidu made a passionate appeal to call truce and close up the ranks of Congressmen. Closure was then applied and the resolution was then put to vote and carried by an overwhelming majority.

### Second Day

The Special Congress resumed its session at 2 P.M. on the 16th September to consider the Compromise Resolution removing ban on Council entry passed by the Subjects Committee the previous night. M. MAHOMED ALI moved:

"While reaffirming its adherence to the principle of Non-violent Non-cooperation, this Congress declares that such Congressmen as have no religious or other conscientious objections against entering the legislature are at liberty to stand as candidates and to exercise their right of voting at the forthcoming elections and this Congress therefore suspends all propaganda against entering the Councils.

"The Congress at the same time calls upon all Congressmen to redouble their efforts to carry out the constructive programme of their great leader, Mahatma Gandhi, by united endeavour to achieve Swaraj at the earliest possible moment."

Mr. Mahomed Ali said he stood before them to appeal to close up the ranks by adopting the compromise and thereby enable the country to be rid of dissensions and begin afresh the constructive work. He and his friends who had just come out of jail were surprised to find that the garden which they had left green was now ruined by autumn. Neither Khaddar nor the boycott of Law Courts



and other programme had even slightly improved during the last two years since he was imprisoned. He was opposed to the proposal that the Congress Committee should direct and control the activities of Swarajists in the Councils. He refused to hold the reins of a horse which he believed could not move. He made it clear that the ban was being removed on the understanding that the Swarajists were entering Councils not for responsive co-operation but for depriving the Government of the claim that in their actions the Government had behind it the Indian majority. He wished Councilillities neither god-speed nor ill-luck and asked all those who felt opposed to Council entry to swallow the bitter pill in order to cure the body politic and restore unity, peace and harmony.

He then stated more definitely and clearly than the last night in the Subjects Committee that he communicated to Mr. Gandhi his agreement with the full N-C-O programme and that Mr. Gandhi had replied that if the interests of the country demanded a change of the programme he commanded the speaker to do so. Mr. Mahomed Ali took the responsibility for compromise and begged those who had tabled their opposition to withdraw their amendments to make the decision unanimous.

Mr. C. R. DAS in seconding the resolution reserved his speech and he hoped all opposition to this compromise resolution would be withdrawn and they would be able after that day to face the world with a united Congress.

As the result of these appeals Mr. Shiv Prasad Gupta and Mr. Falzul Rahman withdrew their opposition amidst applause.

Mr. N. S. VARADACHARI (Madras) opposed the resolution in spite of appeals for unity. There was, he said, no element of personal pride or arrogance in the attitude he took up. The vote of himself and his friends would not be a mixed move but an absolutely clear and pure vote. There might be a genuine desire for unity but he apprehended that desire was based on false grounds and would lead to disastrous results. Mr. Mahomed Ali was by this resolution giving a wrong lead and destroying the atmosphere and background of Non-co-operation. Neither the constructive programme was possible of being pushed through nor Civil Disobedience possible of being launched when the atmosphere of Non-co-operation did not exist. The Bombay compromise was itself fraudulent and now this compromise resolution was a foolish advance thereon. It would have been a clearer proposition if it had been suggested that all Congressmen should go to the Councils. Moulana Abul Kalam Azad in his address the day before had pointed out that the Council programme should be settled at Cocanada if they accepted this compromise resolution. Then the only question before the Cocanada Congress would be

the programme for Councils and it would be a Das-Nehru Congress with no place for Mahomed Ali or the No-changers.

Babu RAJENDRA PRASAD (Bihar) emphasised his view expressed last night in the Subjects Committee that this compromise resolution carried the possibility of breaking the Non-co-operation movement. Although his heart would not agree to accepting the resolution he threw the entire burden of responsibility for the results on Mr. Mahomed Ali and followed him.

Mr. VALLABHBHAI PATEL endorsed every word of Babu Rajendra Prasad and said none of them should be under the impression that he had changed his opinion in the slightest degree on the question of Council entry. But there was no man in this country who was more loyal to the leader and propounder of Non-co-operation than Mr. Mahomed Ali and when he brought forward such a resolution the utmost thing he (speaker) could do was to withdraw his opposition. He firmly believed that there was a temporary suspension of the movement but he did not like to take such a gloomy view as his young friend from Madras did namely that Mahomed Ali or Non-co-operators would have no place in the Cooanada Congress. For a temporary suspension of their programme would go a great way to better their position and today they could not but acknowledge that there was no atmosphere for Non-co-operation. If there was an atmosphere of mutual hatred, at any rate of mutual suspicion and no good-will, they should restore the conditions necessary for starting the real Non-co-operation movement. He neither supported the proposition nor opposed it.

Dr. KITCHELW made it absolutely clear that the resolution reaffirmed faith in Non-violent Non-co-operation and called upon all to re-double their efforts in carrying on the constructive programme and merely permitted Swarajists to enter the Councils, and towards that end suspended the boycott propaganda. Swarajists would not go into Councils as Congress candidates and would not speak in the name of Congress.

Principal GIDWANI who delivered a very impressive speech, perhaps the very best for its transparent sincerity and pathos, said youngmen like him had left peaceful life because Non-violent Non-co-operation meant to them the revolutionary rejection of British rule in India. Next to Mahatma Gandhi they stood by Mahomed Ali. But because the compromise might involve a going back upon the revolutionary programme, the youngmen were feeling depressed. But the light kindled by the Mahatma had taken deep root and the battle of Indian freedom was being fought by Akalis in the Punjab, and he assured the young element that the flame in the Punjab held hopes

for their future work in respect of Civil Disobedience. They must throw the responsibility on Mr. Mohamed Ali and follow him.

Mr. C. R. DAS who advanced to the rostrum amidst scenes of ovation especially from the Bengal block spoke at length in support of the resolution and explained the position of the Swaraj party.

He said if the Congress stood united today on the compromise resolution he had every hope that Swaraj was near. It was of the utmost importance that they should sink their difference of opinion and combine to work together for the goal they all aspired. A compromise resolution must necessarily be defective from the logical point of view because they could not arrive at a compromise if they stood on logic. "But I say that life is greater than logic. I want you to secure the life of the Congress, the life of the Indian nation, upon which Swaraj depends. We want to pass the resolution knowing that we differ because we want to stand together, shoulder to shoulder. Mr. Mahomed Ali has said that to him Council entry is abhorrent. Let it be so to him. To me it is not so and I want to place before you my reasons. In the first place this resolution affirms its adherence to the principle of Non-violent Non-co-operation movement. There has been a great deal of doubt cast upon our programme and that we are departing from the programme of Non-co-operation. I have always maintained that Swaraj is our goal and Non-co-operation is the only method. This resolution asks all those who want to go into the Councils to remember the principle of Non-violent Non-co-operation and stick to it inside the Councils.

#### "What does Non-Co-operation Mean?"

Some think it is impossible to do so. But I think it is quite possible to introduce Non-violent Non-co-operation within it. It is only then that the application of Non-violent Non-co-operation becomes complete. (Hear, Hear). What does Non-co-operation mean? It means that you must dissociate yourself with everything that is false to your nature, false to your temperament and false to the national soul of which the revelation is Swaraj. You must therefore get rid of the false foundations upon which national life is built today. If that is not Non-co-operation then I am against Non-co-operation. These legislatures are things of falsehood. Must I not remove them? Can you say that they are not connected with your national life to-day, oppress on your life and working dreadful results? These words are not mine but Mahatma Gandhi's. I want to wreck the Reforms in order to remove the obstacles that kill National life and to win self-realisation. The Councils are not mere buildings, but institutions which are drinking your life blood. The only way you can get rid of them is by making Government by Councils impossible. I declare to you that I stick to the principle of Non-violent Non-co-operation and will have nothing to do with those who go there for little crumbs at the legislative tables. Either I stand in the Councils to wreck the monster of Reforms or I do not go there at all. (Hear, hear). I rejoice therefore that this compromise resolution insists on the principle of Non-violent Non-co-operation."

Proceeding Mr. Das referred to the exclusion from the purview of the resolution those who had religious or conscientious objection to entering the Councils and asked: "Must we divide the Congress because we have 2 different faiths? Must the Mahomedan tell the Hindu: "Because you don't believe in the Koran therefore out you go or vice versa?"

Thirdly, the resolution related to constructive work. It had been suggested that those who wanted to go into the Councils did not want to do constructive work. Mr. Das declared that to work in a spirit of Non-violent Non-co-operation had nothing in it which was opposed to constructive work. He stood for councils in that spirit because he believed that entry into councils would enable them

to get rid of the obstacles which prevented them from carrying out the constructive programme. "There I want you and to recognise that in tolerating your brother who is in favour of Non co-operation, who is in favour of Swaraj, who is prepared to lay down his life, if necessary, in the cause, you do not tolerate anything which destroys your work. If necessary I am prepared to commit any sacrifice that you call upon me to render, but I appeal to you : let us sink our differences in the sense that we tolerate each other. Let not the harmony of this unity be disturbed by opposition on separate votes" (cheers.)

Replying to a few questions by the delegates, Mr. Das stated that his friends were in support of the views which he had propounded and that they had signed the declaration of the Swaraj Party. Asked as to whether he expected to get majority, Mr. Das replied he would never dream of failure. If they were in a minority then his party would meet and decide what to do consistently with their programme. "We will keep these seats vacant like so many lamps of Non-co-operation burning."

Mrs. SAROJINI NAIDU made a stirring appeal for unity and for acceptance of the resolution. If there was not a single Indian leader or follower to share the responsibilities in saving India then she had the courage to stand by Moulana Mahomed Ali and take the blame for failure, though she would not claim praise for victory. Mahomed Ali carried in his hand the torch that he himself had helped Gandhi to light. She asked the delegates to give the resolution their support not as a matter of conviction but as a matter of national discipline and sacrifice. (Cheers.)

At this stage Mr. Patel withdrew his amendment.

Mr. MAHOMED ALI replying to the debate reiterated that he would not have taken the responsibility for so grave a subject if he had felt the least hesitation that his conduct would not have commended itself to M. Gandhi. If M. Gandhi had been in Delhi now he would have expressed the same opinion in their presence. The resolution was then put to vote and carried by an overwhelming majority.

### Third Day

On the 17th September there was a very lengthy discussion in the open Congress about the Civil Disobedience resolution. The resolution was passed in the Subjects Committee on the previous day by 63 against 24. Dr. Kitchlew moved the resolution and nearly a dozen Hindus and Muslims opposed it on the ground that the Punjab had been suffering from communal dissensions and the time was not therefore opportune to undertake civil disobedience. Many others, however, for the same reason wanted civil disobedience at once as that, they said, would soon merge communal quarrels into the far bigger struggle with the bureaucracy. Sardar Mangal Singh pledged Sikh support. Moulana Mahomed Ali supported the resolution. Mr. Vithalbhai Patel moved an amendment to add the words "and to advise and regulate the action of the provinces organising similar provincial or local action" after the words "to organise

an effective general campaign of civil disobedience" in the first part of the resolution. Mr. Asaf Ali moved at Mr. Patel's instance another amendment to add the words "subject to instructions of the All-India Congress Committee or the Working Committee." After an hour's adjournment the debate on Dr. Kitchlew's resolution was resumed. Mr. Das supported the resolution. After listening to his speech Mr. Asaf Ali withdrew his amendment. Dr. Kitchlew accepted Mr. Patel's amendment. Mrs. Naidu and Pandit Nehru wholeheartedly supported the resolution. Pandit Malaviya in a very long and impressive speech opposed it, grounding himself on M. Gandhi's principle. Lala Bodhraj moved an amendment that all words after the words "for the speedy attainment of Swarajya" be deleted. This amendment was lost and the main resolution was carried by an overwhelming majority. The resolution as passed reads:—

#### The Civil Disobedience Resolution.

"The Congress resolves that a committee consisting of the following members be formed to organise an effective campaign of Civil Disobedience and to advise and regulate the action of the provinces for organising similar provincial or local campaign for the speedy attainment of Swarajya which can alone guarantee the restoration of Mahatma Gandhi and the other political prisoners to liberty as well as the freedom of the Jazirat-ul-Arab and a satisfactory settlement of the Punjab wrong."

The names of the members of the Committee are:—Messrs. C. R. Das, Mahomed Ali, Vallabhbhai Patel, Rajendra Prasad, Mangal Singh, Dr. Kitchlew, Pandit Jawharlal Nehru and Sjt. Vithalbhair Patel. The following resolution put from the Chair was then carried without discussion:—

#### On the Maharaja of Nabha.

"This Congress strongly condemns the action of the Government of India in bringing about the forced abdication of Maharaja Ripudaman Singh Malavendra Bahadur of Nabha as being unjust and unconstitutional and establishing a very dangerous precedent for the Indian States. The Congress conveys its heartfelt sympathy to H. H. the Maharaja Sahib in the grave wrong that has befallen him."

The Subjects Committee met at night and passed a resolution boycotting the British Empire goods by 43 votes against 28. This subject has become a hardy annual in the Congress. At Gaya in December 1922 the Subjects Committee passed the boycott resolution but the Congress repudiated its executive and following M. Gandhi's principles threw out the boycott resolution. This time too the resolution was opposed by those who reiterated Mahatma Gandhi's views on the subject.

#### Fourth Day

On the Congress meeting on the 18th. Mr. Santanam moved a resolution congratulating the Akalis on their courageous stand against

the campaign of repression carried on by the Punjab Government in the Doaba under the pretext of putting down the Babbar Akalis, culminating in the arrest of the Enquiry Committee sent by the Gurdwara Prabandhak Committee, and expressing full sympathy with them in their gallant struggle. Prof. Teja Singh supported the resolution and explained the causes giving birth to the Babbar Akali movement and the distinction between them and the non-violent Akalis. The resolution was then put to vote and carried unanimously.

### Boycott of British Goods

Dr. Ansari next moved the resolution regarding the boycott of British goods which ran as follows :—

(a) This Congress reiterates its conviction that widespread production and use of Khaddar, that is, hand-spun and hand-woven cloth, is essential for the economic betterment of India, and therefore calls upon the people of India to redouble their efforts to make spinning and the use of Khaddar universal throughout the country and thus bring about the complete boycott of all foreign cloth.

(b) That the Congress further calls upon the people to encourage home manufactures by purchasing Indian made goods only and wherever possible avoiding the purchase and use of foreign goods.

(c) In view of the fact that India is at present carrying on a struggle for freedom and England is thwarting her and putting every impediment in her way and Indians are insulted and treated as helots in British Colonies and Dominions, this Congress calls upon the people especially to avoid the purchase of goods produced in Great Britain, her Colonies and Dominions, and thus bring about a complete boycott of all British Goods.

(d) In order to give effect to clauses (b) and (c) of this resolution, and to determine the most feasible method of encouraging Indian manufactures and the boycott of British goods in particular, this Congress appoints the following Committee and empowers it to issue the necessary directions in this behalf :— Pandit Motilal Neeru, Maulana Mahomed Ali, Sdys. Vithalbhui Pate, J. K. Mehta, Subhas Chandra Bose, Seth Umar Sobhani, Dr. Kitchlew, N. C. K. and Gopal Krishnayya.

After a lively debate the resolution was passed by 640 votes against 221. Six delegates remained neutral. The Congress then observed a two minutes' silence standing in honour of Mahatma Gandhi as that was the date of his imprisonment.

The Subjects Committee met again at night. It passed by 23 votes against 9 the resolution that time had come to consider the advisability of Swarajya independent of the British Empire.

### Fifth Day

The Congress met at eleven on the 19th. to conclude the remaining business of the session. Mrs. Naidu moved hearty congratulations of the Congress to the organisers of the Flag Satyagraha movement at Nagpur and volunteers for having by their heroic sacrifice upheld the honour of the country by carrying the fight to a successful finish. She said whatever the difference of opinion might have existed regarding the advisability of starting the campaign at an extreme

time of depression, its triumph must be a source of great pride. Pundit Nekiram and Mr. Moazzam Ali, Mr. Arjunlal Sethi and Mr. G. Hari Sarvotham Rao supported and the resolution was passed.

### The Independence Resolution.

Mr. Purshottamdas Tandon next moved :—

"Whereas the decision of the British Government on the Kenya question has made it clear that it is impossible for the people of India to obtain equal status, fair play and justice whenever there is a conflict between their interests and those of the White men, either of Great Britain or any of its Colonies, this Congress records its opinion that the people of India cannot honourably remain members of the British Empire and must now seriously consider the advisability of working for the establishment of Swarajya independently of the British Empire."

Kenya, said Mr. Tandon, was only another instance of injustice received at the hands of the British. The recent police excesses at Faridpur were so revolting that a Government under whose authority they could be committed did not deserve to remain a moment longer in power. He asked them to imprint on their minds the words of Lord Hardinge in the House of Lords (see *posts*) asking as to how could Indians ask for rights over *as* which they did not possess in their own country! The only solution, therefore, was the attainment of Swarajya, but today Downing Street was in the hands of the Dominions and Colonies. To remain within the Empire would therefore mean perpetual subjection of the Dominions and Colonies. India must keep independence as her ideal to be achieved when an opportunity occurred. Mr. Siris Chander Chatterjee of Bengal seconded the resolution.

A delegate enquired whether the resolution was not in conflict with the creed of the Congress. The President replied in the negative. Mr. Gidwani opposed the motion and moved an amendment that the original resolution be substituted by the following :—

"This Congress looks upon the decision of the British Government about the status of Indians in Kenya as being in keeping with England's determination to rule India as a subject country and therefore this Congress urges on the people of India to redouble their efforts to wipe off the stigma of subjection as early as possible.

"This Congress further asks the Working Committee to organise educative propaganda in the country regarding the position of Indians in the Colonies and to help the Kenya Indians in any practical programme."

Mr. Yakub Hussain seconded Mr. Gidwani's proposition.

Mr. Venkatram moved another amendment for effective retaliation and severance of economic and commercial relations with the Dominions and the Colonies, the boycott of the Empire Exhibition and the promise of support to the Kenya Indians in their resistance. Mr. Krishnaswami Aiyer supported Mr. Venkatram. Mr. Asaf Ali

suggested an amendment by declaring that the time had come seriously to reconsider their association with the British Empire. Mr. Taqi opposed the resolution.

Mr. Mahomed Ali strongly opposed and gave some frank talk to those who, he said, talk so lightly of independence. Mr. Harisarvotham Rao and Mr. Rajendra Prasad endorsed Mr. Mahomed Ali's views.

Messrs. M. A. Desai and D. D. Desai, Kenya Indian delegates, also laid their case and strongly supported the independence resolution.

Mr. Tandon replying observed that Mr. Mahomed Ali acted against Mahatma Gandhi's programme in other respects but took his stand in respect of the speaker's resolution behind Mahatma Gandhi's views, which was unfair.

The motion of Mr. Gidwani was then put to vote and carried by 264 votes against 207, and the original resolution in favour of independence and amendment for retaliation were both lost.

The following resolutions were put from the Chair and carried:—

"This Congress expresses its sympathy with the sufferers from the recent floods in Behar and Canara and Burma."

"A Committee consisting of the following six gentlemen be appointed to revise the constitution and rules of the Indian National Congress and present their report to the session of the Congress at Cocanada.

"Mr. George Joseph, Pandit Jaharlal Nehru (Convener) and Messrs. Subhas Chander Bose, Pattabhi Sitaramayya, P. D. Tandon and Jitendralal Banerjee."

Mr. Das next moved a resolution welcoming the released political prisoners and particularly mentioning the names of Lala Lajpat Rai and Moulana Mahomed Ali. A delegate requested the mention of Mr. Jammalal Bajaj, and another suggested the name of Dr. Kitchlew, and a Bengal delegate urged the inclusion of the name of Mr. J. L. Banerjee. Another voice proposed that either no names should be mentioned or they should name all the well-known leaders.

The Congress next passed four resolutions covering the recommendations of the Sub-Committee on Hindu-Muslim unity.

The four resolutions passed run:—

#### [Enquiry on Hindu-Muslim Riots]

"This Congress, while expressing its profound regret that during the last 12 months the inhabitants of certain towns and cities made attacks upon, and caused injuries to persons, properties and places of worship of their neighbours in violation of the principles of religion and humanity, and while believing that such attacks deserve the strongest condemnation, resolves that the following Committee be formed for the purpose of visiting the places where disturbances have occurred and investigating the matters with a view to fix the responsibility for them and publicly condemn those who are found guilty of such reprehensible acts. The Congress further resolves that the said Committee be asked to recommend such measures as are calculated to prevent, in future, similar incidents so that all communities may practise their respective religions without wounding the feelings



of each other and may co-operate in national matters with mutual confidence and good-will.

"Resolved that the Committee shall consist of (1) Abbas Tyabji Sahab, (2) T. A. K. Sherwani Sahab, (3) Babu Bhagwan Das, (4) Babu Purshottam Das Tandon, (5) Master Sunder Singh (Lajalpuri), (6) Sjt. George Joseph, and (7) B. F. Bharucua.

"Resolved that the above Committee be requested to visit different places beginning with Saharanpur and report within two months to the All-India Congress Committee."

#### National Pact Committee.

"This Congress resolves that the following gentlemen be appointed to prepare a draft of the National Pact to circulate it for opinion among the leading representatives and influential persons of the different communities in the country and after consideration of their opinion to submit their report to the All-India Congress Committee for disposal at the Cooanada Congress,—(1) Lala Lajpat Rai (in case he cannot work on the Committee on account of illness, Pandit Madan Mohan Malaviya), (2) Sagar Meharab Singh, and (3) Dr. M. A. Ansari (Convener)."

"This Congress resolves that the Working Committee be instructed to issue a public manifesto inviting the attention of the Indian newspapers to the extreme necessity of exercising great restraint when dealing with matters likely to affect inter-communal relations and also in reporting events and incidents relating to inter-communal dissensions and commenting on them, and appeal to them not to adopt an attitude that may prove detrimental to the best interests of India and may embitter the relations between different communities."

#### Controlling Newspaper Controversy,

"This Congress also resolves that the Working Committee be instructed to appoint in each province a small Committee which should request such newspapers as publish any matter likely to create intercommunal dissensions that they should desist from such a course of action, and if in spite of their friendly advice no useful result is achieved, to prohibit such newspapers. This Congress further resolves that in case such newspapers do not even then alter their attitude, a boycott of them by the Congressmen should be declared at the last resort."

#### Hindu-Muslim Unity Committees.

"This Congress resolves that in the head-quarters of every district, mixed Committees be established under the supervision of District Congress Committees, in consultation with the Khilafat Committee, Hindu sabhas and other responsible local associations, with a view to the maintenance and security throughout the districts, and in the case of any incident likely to disturb such peace and security to endeavour to minimise its evil consequences and provide for a speedy and satisfactory settlement, and further to encourage people in case of any provocation to conduct themselves with restraint and refer the matter to such Committees for the redress of their grievances instead of themselves resorting to retaliatory measures."

### The Hindu-Muslim Question.

While there was general satisfaction expressed at the compromise decision on Council-entry the resolutions passed on Hindu-Muslim relations left a good deal of apprehensions. The communal tension was discussed by leading Pundits and Moulavis in their informal conferences, and after a heated and acrimonious debate they appointed a sub-committee of fourteen persons, seven Hindus and seven Muslims,

to consider the suggestions made and formulate a common programme of action.

Moul. Mahomed Ali was again the central figure for compromise while Pandit Malaviya and Swami Shradhanand were the authority on the Hindu side and Moulvi Shabbir Hussain of Deoband on the side of the Mahomedans. There were frictions now and then in this sub-committee so that the delegates were often doubtful of a unanimous settlement. Hot words were exchanged between two respected leaders and it seemed as if the sub-committee appointed to settle Hindu-Moslem dispute was to accentuate the differences. It took two days more for the committee to come to an agreement in the form of four draft resolutions as stated above.

But friction sometimes bordering on deadlock arose on the questions of Sangathan and Reclamation movements recently started by the Hindus. The Mahomedan leaders on the sub-committee like several of the Mahomedan delegates in the Congress smelt in the genesis of these movements danger to their community and they declared that Mahomedans being in the minority were liable to become weak as a community if the Hindus who were in a majority organised themselves in the manner they had attempted, and that in any conflict the Hindus would have the upper hand. Pandit Malaviya and Swami Shradhanand assured times out of number that these movements were not started in any aggressive spirit against the Mahomedans but to guard the Hindus themselves. The Mahomedan leaders were not convinced by these statements and demanded a definite declaration that both these movements should be stopped. The Hindus would not make any such declaration but explained with the memory of Saharanpur behind them that if the Mahomedans did not attack the Hindus the Sangathan movement would 'ipso facto' cease to exist. Mahomedans on the other hand contended that it would be difficult to come to any agreement on the Hindu-Moslem question so long as the activities of these movements were not to be defined or modified. To allay the Moslem apprehensions on these two points therefore became the topic of discussion between the leaders on both sides and at one time it was evident that the sub-committee would disperse without coming to any settlement. Maulana Abul Kalam Azad and other leaders now intervened informally impressing on the extreme urgency of a common agreement. The Sub-Committee again met and after protracted discussion unanimously resolved that the leaders of the various communities should proclaim it sinful on members of their community to attack the honour of women, person and property and religious institutions of others and, in case of aggression, to defend the victim and show tolerance. The Hindu leaders instead of agreeing to withdraw the Reclamation movement were prepared to allow a

committee to proceed to the places where Reclamation work was going on and enquire into any corrupt or unreligious practices observed and report by the 15th December next on means of preventing any such acts in future.

As regards Sangathan the Hindu leaders on the Committee agreed to the suggestion of the Mahomedans that Civil Guards should be appointed in all district centres in which both Mahomedans and Hindus would become members, but at the same time they (Hindus) insisted on their continuing the Sangathan movement till the Civil Guards were properly established.

Two resolutions confirming these decisions of the sub-committee were moved in the open Congress and agreed to as to the best possible solution in the circumstances. But as Moulana Abul Kalam Azad truly observed in the concluding portion of his address the Hindu-Moslem unity was only seen on the surface and only in the Congress and that the real work was still to be done in the country and outside the Congress pandal.

Pandit Malaviya announced that a joint proclamation would be issued signed by Ulemas and Pandits declaring that it was sinful to make attacks on person, property and places of worship. When they had assembled, he said, dark clouds hovered and some thought this session would mean the end of the Congress. In the Hindu-Muslim Relations Committee the representatives of the Jamait-ul Ulema and Hindu Mahasabha met like brothers in a spirit of goodwill and cleared a good deal of the misunderstanding created by misreporting of intentions of the Hindu Mahasabha. He had assured his Muslim brethren that Hindu Sangathan did not contain the least or remotest idea of preparation against Muslims. The proclamation which the Ulemas and Pandits were signing would, he hoped, prove a great foundation of everlasting love and unity between the two communities. He reminded the audience that so far back as September 1922 he had suggested in Lahore the formation of Civic Guards and he was sorry these were not then formed to check the mischief. He hoped they would soon meet in Delhi to inaugurate the movement for enrolling Civic Guards.

After thanks-givings Maulana Azad gave a short concluding address and then the session closed with cries of "Hindu-Muslim-ki Jai" and other "Jais."

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## Communal Problem in the Punjab

The Hindu-Moslem problem which the Congress discussed so thoroughly has a big history behind it. It was not quite four years ago that the Punjab gave a unique demonstration of inter-communal unity. Hindus and Mahomedans who had treated each other as untouchables for decades, actually drank water out of the same cups. The communal festivals, the Dasahara and Mohurram, instead of being occasions for a breach of the peace, were freely and enthusiastically participated in by both communities. On this unique demonstration great hopes were naturally built for the future of India. But after the arrest of M. Gandhi there was a gradual emergence of serious communal dissensions. The success of Angora in the middle of 1922 elated the Moslems to an unbounded extent, and the serious situation at the end of the year in Turkish affairs raised Moslem feeling to a frenzy (see pp. 66). Throughout 1923 the tension between the Hindu and Mussalman masses in various parts of the country increased to a lamentable extent. In March and April there were open riots of a serious nature in Amritsar, Multan, and in other parts of the Punjab. In May there were further riots at Amritsar, and a riot in Sind. In June and July, there were riots in Moradabad and Meerut, as well as in the Allahabad district of the United Provinces, and a somewhat serious disturbance at Ajmere. In August and September there were further outbreaks. In the majority of cases the Moslems were the aggressors.

As ever before, the starting point of the trouble was the Punjab, and the man upon whom has been fathered the main cause of the trouble was Mian Fazl-i-Husain, Minister of the Punjab Govt. In the Punjab, it should be remembered, the Mahomedans form 55 p. c. of the population, are educationally backward, unable to compete with the Hindus intellectually, and demand special protection of their interests. They are in addition aggressive both in religion and politics. They are more Pan-Islamic than national. The Hindus who form 34 p. c. of the population are educationally advanced, reside chiefly in towns, are economically in a better condition than the Mahomedans and are afraid of the latter's fanaticism. The Sikhs, forming 11 p. c. of the population, were, until a few years ago, part and parcel of the Hindu community. But within the last ten or twelve years there has been a remarkable renaissance among them which has made them keenly conscious of their individuality, and of their military and political importance. The different traditions and interests of the three communities have resulted in making the Punjab at all times more communal and less national in outlook than any other part of India.

Mian Fazl-i-Husain, the Muslim Minister, was a Congressman of the pre-non-co-operation days, a member of the Muslim League and was not left unnoticed by the Martial law authorities. As a co-operator, he was bound to combat the non-co-operation movement. And as an old Congressman and member of the Muslim League, he was bound to give executive effect to the Congress League Compact at Lucknow, which was adopted in the new reformed constitution by the Government as far as the Legislative Council was concerned. The principle behind the Lucknow Compact was that Mahomedans should wield 50 p. c. of influence in the Punjab, whether in the Legislative Council or in other bodies. Mr. Fazl-i-Husain strictly followed this policy and in doing so claimed only to be giving loyal effect to the Lucknow Compact under the mandate of the Congress and the League. The most dramatic result of this policy was the discomfiture of the non-co-operation movement in the Punjab. The Mahomedans, whether co-operators or non-co-operators, saw that a bird in hand was worth two in the bush, that their community derived immediate and tangible advantage from even partial Swaraj under Mr. Fazl-i-Husain, and that this was worth more than the prospective, but uncertain, complete Swaraj of M. Gandhi. They therefore solidly rallied round his banner.

#### Popular discontent in the Punjab.

With the arrest of M. Gandhi in March 1922 and with most of his trusted lieutenants still in jail, the non-co-operation movement showed signs of rapid disorganisation. People could no longer help taking notice of the Govt. and its policies and current events of less importance than non-co-operation. It was then that the non-Muslims began to express their discontent against Mr. Fazl-i-Husain's policy. Then came the passing of the Gurudwara Bill in the Punjab Council. Mr. Fazl-i-Husain introduced it. It affected only Sikhs and Hindus and was bitterly opposed by the former. All the elected Hindu and Sikh members of the Legislative Council opposed it. Even the Govt. members did not vote together as is generally the rule. Yet the Bill was passed in the Council entirely with the support of the Muslim members. Now the Lucknow Compact contained a clause that if three-fourths of the members of a community objected to any measure that affected that community, it ought to be dropped. The passing of the Gurudwara Bill was a violent breach of this wholesome understanding. The non-Muslim members of the Council tried to get the Governor, in virtue of his special responsibilities towards the minorities under the Instrument of Instructions, to use a moderating influence on Mr. Fazl-i-Husain. So they waited on the Governor in a deputation but he declined to interfere in the matter on the ground

that Mr. Fazl-i-Husain commanded a majority in the Council for his policy. It was clearly a move on the lines of Sir Bampfild Fuller in East Bengal during the Partition days in Bengal. The deputation had the very effect it sought to avoid: a public meeting of the Mahomedans which solidly supported the policy of the Minister was held in Lahore as a counterblast to the deputation. The non-Muslim members of the Legislative Council next moved a vote of censure on Mr. Husain. As was to be expected, the Mahomedan majority solidly opposed it and the motion failed.

What happened in the Council was repeated tenfold in local bodies, and a thousand-fold amongst the masses accompanied, in this case, with arson, loot and murder. As a result of the riots at Amritsar and Multan, the local people appealed to the non-violent Congress leaders to come to their help and create a peaceful atmosphere. Accordingly Messrs Das, Nehru, Rajagopalachariar and other Congress leaders undertook the task. They arrived in the Punjab at different times during the latter half of March and the first week of April. They found that the relations between the Hindus and Musalmans, both educated and uneducated, were so greatly strained that each community as a whole had practically arrayed itself in an armed camp against the other. The conclusion at which they arrived after making enquiries was that while it was true that almost the whole Hindu and Mussalman population of the Punjab was, more or less, affected, the reasons which applied to the so-called educated classes were entirely different from those of the masses, because the latter had to no small extent been exploited by interested persons among the former for their own selfish ends. So far as regards the masses, the real causes of the trouble were firstly the memories of Malabar and Multan riots, secondly the Shudhi and the Hindu Sangathan movements, which had in their turn given rise to a counter agitation amongst the Mahomedans. These movements were being carried on in a spirit of hostility which had been fostered and spread throughout the province and beyond it by the press of both communities.

Maulana Abul Kalam Azad, Pandit Motilal Nehru and Mrs. Sarojini Naidu visited Multan on the 10th April. They held conversations with Hindu and Mussalman representatives selected by their respective communities at public meetings held for the purpose. At a previous joint meeting of some Hindus and Mahomedans the following six points were laid down for settlement:—

1. Change of the route of certain Tazie processions.
2. The closing of certain beef and jhatka meat shops.
3. Boycott of Mohammedan labour by Hindus.
4. Compensation to be paid by one

community to the other. 5. Withdrawal of criminal cases pending against the members of both communities. 6. Kucha Bandhi.

It was stated that a common understanding was arrived at in respect of the last three points, and that the first three were left over for a subsequent meeting which never came off. At the representative meeting held by the three leaders it was agreed that the six points enumerated above were the only points for disposal, but that the whole settlement hinged upon the first point, the others being only of secondary importance. They accordingly took up that point as the first and the main question at the express desire of the parties. One of the objections taken by the Mussalmans to any change whatever was based on religious grounds, but it was over-ruled by Maulana Abul Kalam whose ruling was accepted on all hands. It appeared that a change of route, while putting Mahomedans to no serious inconvenience, afforded little or no guarantee against the recurrence of riots. The Hindu spokesman explained that his side, being the more oppressed and aggrieved party, was insisting on the change more as a token of future good-will of the Mahomedans than as an effective remedy for the evil. The Mahomedan spokesman, however, expressed the inability of his community to accept the proposal in its entirety but was willing to agree to the removal of the slaughter house from within the Municipal limits, provided the beef shops were maintained as at present. As to any demand of the Mussalmans against the Hindus, he stated that they had none, and added that the one consolation he could offer to the Hindus was to express his sincere regret for what had happened. An impasse was thus reached and the negotiations were broken off. Maulana Abul Kalam Azad and Pundit Motilal Nehru at a mass meeting of Hindus and Mahomedans explained at full length what had happened at the inter-communal conference and while advising the Mahomedans to see their way to accept any one of the proposals made by the Hindus, impressed upon the latter the desirability of forgetting the past without insisting upon any tests of future goodwill.

#### Suddhi and Sangathan.

The Suddhi movement started by Swami Shradhanand to reclaim the Malkana Rajputs, who were Moslems only in name, into Hinduism was another sore point with the Mahomedans. The leaders met Swami Shradhanand and Kunwar Abdul Wahab Khan at Agra and conversed with a number of Malkana Rajputs. According to them the members of both communities were fully entitled to propagate their respective religions among these people and to induce them by peaceful persuasion to confine themselves to the religious practices of one community and give up those of the other. It was also open to

the Malkanas to adopt such process of conversion or Shudhi as they might be advised.

Then again the Hindu Sangathan was a movement confined to the purpose which the name signifies, viz the organization of Hindu society. Indeed, both Hindu and Mussalman Sangathans are eminently desirable to help the growth of the Indian Nation at the present stage of its existence. But the Mussalmans looked upon it as a movement specially designed to harm them and started a counter-movement of a similar nature.

The accounts of happenings in connection with the Suddhi and Sangathan movements given in the press of both communities and the strong language used in commenting upon them had very largely contributed to inflame communal passions. The Congress leaders accordingly invited the editors of the newspapers published in Lahore to meet them in an informal conference to devise the best means of checking the mischief. Practically the whole Indian Press of Lahore willingly responded to the invitation and at an informal conference it was agreed that a committee of press representatives would, in consultation with Provincial Congress and Khilafat Committees, take the necessary steps to verify all sensational communal news before publishing it.

### Communal Representation.

As regards Communal representation, according to the Mussalman demand, seats in the Councils, in the Municipalities and District Boards, in the University, and also public offices should be divided amongst different communities according to their numerical strength and unless that was done there could be no peace in the Punjab. The Hindus and the Sikhs, on the other hand, were against communal representation of any kind. With a view to see whether a *via media* could be found the leaders invited certain Hindus and Mussalmans of the Province representing extreme views on both sides to elect two representative committees. This committee was subsequently enlarged by the addition of one representative of the Hindu Sabha and another of the Muslim League, the presidents of the Provincial Congress and Khilafat Committees, and of the Shiromani Gurdwara Prabandhak Committee. After a good deal of discussion a smaller committee was elected consisting of two representatives from each of the three communities. This representative committee discussed all possible questions with reference to these disputes, but unfortunately could not arrive at any concluded agreement. Had the proposal of dividing the seats in the Council in the proportion of 45, 30 and 25 per cent amongst the Mahomedans, Hindus and Sikhs respectively been accepted by the Mahomedans, the other communities would



have agreed to the same proportion in the Municipalities and in the District Boards with separate communal electorates, and it would have been possible to arrive at some arrangement whereby Hindus and Mahomedans could be assured of alternately representing the university. But the Mahomedans who form nearly 56 per cent. of the population and were allowed only 50 per cent representation under the Lucknow compact did not agree to a further reduction which would have the effect of converting their majority into a minority as against a possible combine of non-Muslim representatives. Communal representation was admittedly an evil from the national point of view, but in the existing circumstances and until greater national solidarity was attained, the leaders opined that the system though wrong in principle should be accepted by all the parties concerned, and that the three communities should join hands in pressing upon the Government a demand for a very extensive franchise and for the abolition of official seats on the Council, the Municipal and District Boards and in the University.

As no formal settlement could be arrived at on the question of communal representation, the other points raised by the parties in their respective notes of communal grievances were not formally dealt with but certain principles were generally agreed upon in the course of discussion. These were put in the form of resolutions by the president (Mr. C. R. Dass) and copies were supplied to the members of the joint committee. The following is the draft of the resolutions as showing the general trend of opinion in the Punjab.—

#### Draft Resolutions.

"1. That to remove all misunderstandings, doubts and suspicions regarding the connection of the Mohammedans with what is called Pan-Islamic activities, this committee declares that although it is right and natural for Indian Mohammedans to sympathise with Mohammedans in other parts of the world, and to take necessary steps to vindicate the rights of the Khilafat, there is no reason for any apprehension that they would join any Mohammedan invader of India and that on the contrary it is the duty of every true Mohammedan to join the Hindus and others in expelling any such invasion.

"2. That this Committee further points out that expression of opinion regarding this matter by individual Hindus or Mussalmans, which in any way contradicts the above mentioned declaration should be taken as the outcome of undue and unworthy suspicion and should not be made the foundation of an attack on either community.

"3. That this Committee further resolves that it should be

constantly borne in made by all communities in the Punjab that India is not for any community or communities, but that India is for the Indians and stands for the fusion or federation of all communities.

"4. That whereas each community has the right of converting others to its faith, no unfair means should be used and no oppression should be resorted to, and where any such case is alleged, it should be investigated by the Punjab Reconciliation Board to be appointed by this Committee and the decision of the said Board should be accepted by the communities concerned. (Note—The names of some leading gentlemen were noted as members of the Board.)

"5. That in as much as the local press has unfortunately contributed to much of the ill-feeling between the different communities, the said Board should meet the Editors and Managers of Indian newspapers and take such steps with their concurrence as may prevent such mischief and should in particular request them not to publish any cases of communal injustice or oppression before the same have been investigated by the Reconciliation Board. (Note—Necessary steps in this connection have already been taken).

"6. That whereas the preservation of cows and the prevention of their slaughter is considered desirable by all communities on economic grounds and whereas there is a large body of Mohammedan opinion in favour of voluntary prevention of cow slaughter in deference to the Hindu feeling in respect thereof, this Committee resolves that no Hindu or Hindus should propose or cause to be proposed any legislation regarding cow-killing without the concurrence of the Mohammedan community and further that any disputes or difference in respect of cow slaughter or prevention thereof should be referred to and decided by the Reconciliation Board.

"7. That the Committee further resolves that any attempt by any one community to boycott any other community socially or economically, or in any other way is foolish, unjust and unworthy of both communities, and that any dispute or difference arising by reason of such attempt should also be settled by the said Board whose decision must be accepted by the parties who are concerned in such dispute or differences.

"8. That the Committee recommends that the three communities in the Punjab should enter into the National Pact regarding the Council and the Municipal and other local Boards full particulars of which are set out in the schedule which is to be taken as a part of this resolution, and it is resolved that any disputes and differences which may arise from non-observance thereof should be settled and adjusted by the said Board. (Note—As the negotiations were broken up no Schedule was prepared.)

The Congress leaders failed to bring a rapprochement between the two communities and the Conferences led to only one result, namely, focussing public attention to the great selfishness of the parties concerned and the need of great restraint in communal questions. Mr. Das told the Punjab people in anger that since their *fashionable* squabbles could not be composed, Punjab can wait but Swaraj can not, and instead of wasting time over attempts to settle the sordid claims of the contending factions, he and his party would rather devote their energies towards the Swaraj programme, leaving Punjab to welter in its own sin. The leaders left Punjab in disgust. Hence the great attempt made at the Special Congress to thrash out the Hindu-Moslem question once more. After this communal riots were at a wane, and partly because of the great Swarajist preparations for fighting the elections, the party bickerings on such trivial questions as had been agitating the wire-pullers before ceased and the inauguration of a new programme diverted public attention to a new channel. The Das-Nehru party, immediately after the Special Congress, set out in an intensive campaign in Northern India, but it failed to penetrate the South. More than the Congress mandate, the Swaraj mandate became the ringing trumpet call. And Hindus and Moslems had to decide promptly whether they would join the new party or remain in the old rut. The famous October war-cry of the Swarajists now came out in the following terms.—

## The October Manifesto

The Swarajya Party issued the following manifesto from Allahabad dated October 14, 1923 over the signature of Pandit Motilal Nehru, General Secretary.

The principles and policy to be followed by the Swarajya Party on its entry into the Legislative Assembly and the Provincial Councils have been sufficiently indicated in the programme of the Party published in February last. The relevant part of that programme is given below and it is only necessary to explain certain points and deal with certain aspects which the events of the last eight months have brought into prominence.

It will be convenient at the outset to make the position of the Swarajya Party in relation to the Indian National Congress perfectly clear. It was declared at the earliest possible opportunity that it was a party within the Congress and as such an integral part of the Congress. It is not and was never intended to be a rival organisation and its promoters have always kept in view the essential principles of Non-violent Non-co-operation as they understand them. This position has now been made clear by the resolution of the recent Special Session of the Congress which, while affirming these essential principles, affords full opportunity of service to Congressmen who believe in carrying the good fight into the enemy's camp by entering the Councils. It was our earnest desire to arrive at a settlement which would render it unnecessary to continue the separate organization of the Party by incorporating it into the Congress as one of its various departments and subjecting it to the control of the general Congress Executive. But this desire could not be fulfilled in view of the terms of the compromise finally agreed upon and confirmed by the Special Session. It is obviously impossible to carry out the object in view without an effective organization to control the proceedings of Congressmen who go into the Councils. The Swarajya Party must therefore continue to function as was clearly understood throughout the negotiations which ended so happily in the compromise adopted by the Congress. It need hardly be pointed out that the only right course open to Non-co-operators who have so far opposed Council-entry and now desire to avail of the permission accorded by the Congress is to join the Swarajya Party and subject themselves to its discipline. Any other course would not only be inconsistent with the spirit of the compromise but would defeat the very object with which it was sanctioned by the Congress. It is the first and the foremost duty of the Swarajya Party to guard the honour and prestige of the Congress in and out of the Councils and it cannot approve the conduct of those non-co-operating Congressmen who did not favour Council-entry before the resolution of the Delhi Special Congress and are now setting themselves up as independent candidates without agreeing to submit to any discipline. Such conduct can only bring discredit on the Congress, and the so-called Independents cannot but be treated by the Party as outsiders. What they are doing is in effect counter-propaganda against the Party which is the very thing the Congress resolution was intended to avoid. It is hoped that they will receive no countenance from the Working Committee of the Congress.

### Real Nature of Reforms.

The Swarajya Party believes that the guiding motive of the British in governing India is to serve the selfish interests of their own country and that the so-called Reforms are a mere blind to further the said interests under the pretence of granting responsible government to India, the real object being to continue the exploitation of the unlimited resources of the country by keeping Indians permanently in a subservient position to Britain and denying them at home and abroad the most elementary rights of citizenship. It is daily becoming

abundantly clear that the British, while professing equality of treatment, are in practice subjecting the whole Indian Nation to humiliation and insult in all parts of the world where British influence is supreme. The Party notes with pride and satisfaction that the people of India are resolved to submit no longer to the national humiliation imposed upon them by the autocratic will of their British rulers and in full concurrence with the Congress expresses its emphatic opinion that Indians have no option but to continue to carry on a policy of progressive non-violent Non co-operation with the present system of Government until it is radically changed in accordance with the will of the people expressed through their chosen representatives.

Whilst the Swarajya Party is convinced that it is absolutely necessary to keep in view the various stages of non-co-operation and believes that by entering into the Legislative bodies it will materially help the general campaign of non-co-operation, it realises at the same time that there are true nationalists in the country who, without agreeing with the principles of non-co-operation, are in sympathy with the Party programme so far as it relates to Councils. With such nationalists the Party has no quarrel. It is open to them if they sign the Congress creed to join the Council section of the Party without identifying themselves with the activities of non-co-operators outside the Councils by giving the requisite undertaking required by the Party from all its members who stand for election. A country engaged in freedom's battle must mobilize all available forces and a national soldier fit to serve in the National Army need not be discarded simply because he is unfit or unwilling to serve in the National Navy and Air Force as well. He must, however, submit himself to the discipline of the particular department of the national organization which he elects to enter. It will be observed that the words used in Article V of the Programme of the Party copied below are "Nationalist candidates" and not "Party members as candidates". Any nationalist who subscribes to the creed of the Congress and to the Council policy of the Party can therefore be set up by the Party as its candidate and will not thereby become a member of the Party for any other purpose. He will however be bound by all the rules which may be framed by the Party to regulate the conduct of Party members of the Councils. Some misapprehension exists in the public mind as to the exact nature of the Congress creed which an intending candidate who is not already a member of the Congress is expected to sign. It is nothing more than "the attainment of Swarajya by the people of India by all legitimate and peaceful means" and has no reference whatever to non-co-operation which the Congress has adopted by resolutions passed at its periodical and special sessions, such resolutions being no part of the Creed. The form of the undertaking required is given below.

#### Issue Before the Electorates

In the published programme the immediate objective of the Party is stated to be "the speedy attainment of full Dominion Status" which is explained to mean "the right to frame a constitution adopting such machinery and system as are most suited to the conditions of the country and the genius of the people." It is essential for the self-realization of a people to be free to exercise their natural and inherent right to determine and adopt a system of Government most suited to their civilization and their cherished traditions. When such a system has been fully evolved it cannot be very different from the Swarajya which is the ultimate goal of nationalist India. The immediate objective of the party must necessarily be something falling short of complete Swarajya and it is therefore referred to in the programme as the securing of the "right to frame a constitution" as distinguished from the "fully evolved constitution" itself. The words "Dominion Status" are used in their well understood technical sense to convey a definite idea of the nature of the constitution to the minds of English statesmen and jurists and are not intended to mean any special form of Govern-

ment established in any particular dominion. It is evident that before the old order of things can give place to the new the authors of new order must have an effective control of the old. In other words as a necessary preliminary to the right to frame their own constitution of Swarajya the people of India must obtain an effective control of the existing machinery and system of Government. To remove all doubt and speculation in the matter the Swarajya Party therefore declares that it will contest the forthcoming elections on the broad basis of the incontestable right of the people to secure such effective control. It will not concern itself with trivial reforms in the various departments of the administration to be obtained by the grace of the Government but will insist on a transference of the power to effect the necessary reforms from the bureaucracy to the people themselves. Long lists of grievances have been set forth in the election manifestoes of certain parties and individuals, but the means suggested for their redress have no fascination either for the Swarajya Party or, as it firmly believes, for the people of India. The Swarajya Party will not lay itself out to secure famine ration for the politically famished people of India but will devote all its energy to provide them with a feast of substantial right of citizenship which is their due. On questions like the salt-tax certification and the Kenya betrayal the Party has no faith in halting measures of the nature suggested in certain quarters but believes in the complete eradication of a system which makes such atrocities possible as the only remedy. Under existing conditions the Party considers it an abuse of the suffrage of an Indian electorate on the part of its representatives to engage in such questions as the readjustment of the powers and duties of the Secretary of State, the Government of India, the Provincial Governments, and various other officials. The Swarajya Party maintains that the powers those functionaries exercise vest in the people by right and can only be properly exercised by their representatives.

#### THE NATIONAL DEMAND.

The demand to be made by the members of the Party on entering the Legislative Assembly will therefore in effect be that the right of the people of India to control the existing machinery and system of Government shall forthwith be conceded and given effect to by the British Government and the British Parliament. It is no answer to this demand to say that the Government of India has no power under the Act to entertain it. We know it has not and we do not ask it to find some power within the four corners of the Act to deal with it. It has indeed nothing whatever to do with the forms prescribed for resolutions, or other motions or with the Act itself. We take the position of the Government of India to be precisely what the late Lord Morley said, viz, it was that of an agent of the British Cabinet. The demand will be addressed to the principal through the accredited agent as soon as practicable after the results of the elections are declared and before the Legislative session begins, in such manner and form as the elected members of the Party may determine. It will in its nature be an offer of certain terms which it will be for the agent to accept or refuse on behalf of the principal or take such other action thereon as he may be advised.

The attitude of the elected members of the Party in the Assembly and the Councils will depend on the action taken by the Government on the demand formulated by them on the lines indicated above. If the right itself is conceded it will be a matter for negotiation between the Government and the Nationalist member in the Assembly as to the manner in which the right is to be given effect to. But in the event of the Government refusing to entertain the said demand or, after agreeing to do so, offering terms which are not acceptable, it shall be the duty of the members of the Party elected to the Assembly and the Provincial Councils, if they constitute a majority, to resort, in the words of the Party Programme, to a policy of "uniform, continuous and consistent obstruction

with a view to make Government through the Assembly and Councils impossible." The objection that the Government will not have sufficient time between the date on which demand is made and the opening Session of the Legislature to consider it is met by the publication of this manifesto which indicates clearly the essential features of the demand and copies of which are being forwarded to the India Office and the Government of India. There is ample time between now and January 1924 for the Government to be prepared to make up its mind at least as to whether it will dismiss the demand summarily or try to arrive at a settlement. In the former case the course to be adopted by the Party members of the Assembly and the Councils has been clearly indicated above. In the latter it will be easy to arrange the terms and conditions on which the negotiations are to proceed.

#### Relation to Other Political Parties.

The Swarajya Party desires to make it quite clear to the other political parties in the country and the people at large that it is pledged to obstruction against the Government and not against any other party in the Legislature. It will not be inconsistent with its principles to support a non-official measure introduced by any other party or group of members if such measure is opposed by the Government. It shall also be always open to members of the Party to accept on such terms and conditions as are likely to promote the general policy of the Party, a "bonafide" invitation from any other party or group of members of the Legislature to join the latter for the purpose of defeating the Government on any non-official measure opposed by the Government, or on any official measure opposed by the inviting party or group of members. In the event of the members of the Swarajya Party being in a minority they will accept such invitation only when they form a majority of the Legislature concerned along with the inviting party or group of members. The Swarajya Party expects all other parties and elected Indian members in the Assembly or the Councils to support it wholeheartedly in the initial demand set out above and to that end invites their assistance and co-operation in formulating and presenting it. It is impossible to conceive that there can be any serious differences between true nationalists to whichever party they may belong as to the general attitude they ought to take in the Assembly and the Council towards a system of Government which stands wholly discredited in the eyes of all classes of Indians.

The agriculturist of India needs no assurance of the unswerving loyalty of the Swarajya Party to his cause. He is the back-bone of the country and the mainstay of the whole Congress movement. It has now been fully demonstrated that he believes in the Congress and the Congress believes in him. The Swarajya Party would miserably fail in its primary duty if it did not make the betterment of his deplorable condition its first and foremost concern. It is a happy sign of the times that he is fully convinced that his salvation does not lie in the temporary benefits which a "benign" Government is likely to confer or well-meaning friends are expected to gain. He believes in Swarajya as the only remedy for his many ills and knows that his party is the party which strives for nothing short of Swarajya. The case with the landowning classes is however different and it has to be noted with regret that the tongue of slander has of late been more than usually busy to estrange them from the Swarajya Party. All sorts of fanciful stories are being circulated to the prejudice of the Party. The Swarajya which the Party aims at is represented as something which has no place whatever for this ancient order the members of which have in the past furnished many a brilliant chapter to the history of the country, and even in these degenerate days have a number of ardent nationalists among them. The Party can only appeal to these latter to set at rest the doubts and misgivings of their less enlightened brethren by explaining to them the obvious fact that those who desire to help in the building up of Swarajya can-

not possibly dream of such madness as to undermine the very foundations of society as it had existed for hundreds of years in India by trying to eliminate an important and influential class from it. True it is that the Party stands for justice to the tenant, but poor indeed will be the quality of that justice if it involves any injustice to the landlord. The Party believes that it is only by serving the true interest of both that it can find a solid base for Swarajya and is pledged to stand by the one as firmly as by the other in its hour of need. It welcomes nationalist Zemindars who intend contesting the elections as comrades in arms if they will only agree to avail of the many opportunities for co-operation with the Party which they are bound to have within the limitations of their well-known disabilities. As has already been stated, the Swarajya Section of the Party is open to all who will satisfy the very simple conditions to which no true nationalist can have any possible objection. For reactionaries, whether they are Zemindars or others, the Party has no sympathy whatever.

There are certain other points which have formed the subject of enquiry but it is obviously impossible to go into further details in this manifesto. Much will depend upon the circumstances which will arise after the elections are over. It will then be for the elected members to decide what course to adopt keeping in view the principles of non-violent non-co-operation. The Party hopes and trusts that its Members will be resourceful enough to meet all eventualities.

#### Hostile Influences.

These are the broad lines of work which the Party has laid out for itself. How far it will meet with success depends with the support it receives from the public in general and the electorates in particular. As is well-known, it starts on the campaign with a heavy handicap. Many of its best men have been disqualified by the Government from voting or standing for election for no other crime than the love for their country. Crippled as it has thus become, it has only had a free hand in the matter of the forth-coming elections since the last Special Session of the Congress. Many other influences have been at work against it which it is needless to enter into as the Party knows no going back when it has once entered the field and will fight to the last man if the country will accept its services. It does not admit that any of its members has really lost the privilege of seeking suffrage of his countrymen and will set up some of them as its candidates in spite of the disqualification unjustly imposed upon them. By doing so the Party offers the Government an opportunity to remove those disqualifications and make the elections a fair test of the real feeling in the country. But if the Government, which boasts of having conceded a substantial measure of responsible Government to the people of India, cannot have the courage to admit men of tried merit and undoubted patriotism into the Legislatures of the country, it stands self-condemned. The Party fully trusts that the people will stand by it in electing its candidates and thereby helping to expose the fraud practised during the last three years in their names. Detailed instructions in this behalf will follow.

#### ANNEXURE A.

##### EXTRACTS FROM THE PROGRAMME OF THE SWARAJYA PARTY.

- I.—The goal of the Party is the attainment of Swarajya.
- III.—The immediate objective of the Party is the speedy attainment of full Dominion Status, that is, the securing of the right to frame a Constitution adopting such machinery and system as are most suited to the conditions of the country and to the genius of the people.
- IV.—The Party will formulate a definite programme of organising and instructing the electors of the Legislatures in the country.



V.—The Party will set up Nationalist candidates throughout the country to contest and secure the seats in the Legislative Councils and Assembly at the forthcoming general elections on the following basis :—

(a) They will, when they are elected, present on behalf of the country its legitimate demands, as formulated by the Party, as soon as the elections are over and ask for their acceptance and fulfilment, within a reasonable time, by the Government.

(b) If the demands are not granted to the satisfaction of the Party, occasion will then arise for the elected members belonging to the Party to adopt a policy of uniform, continuous and consistent obstruction within the Councils with a view to make Government through the Councils impossible, but before adopting such a policy the representatives of the Party in the Councils will, if necessary, strengthen themselves by obtaining an express mandate of the electorates in this behalf.

(c) Detailed instructions in this behalf will be given by the Party after the elections are over.

(d) In no case will any member of the Party accept office.

## ANNEXURE B.

### MEMBERS' FORM OF UNDERTAKING.

I,.....of.....  
 ... being a member of the Swarajya Party of the Indian National Congress, do hereby offer myself as a candidate on behalf of the said Party for election to the Legislative Assembly (or Council) from the Constituency of ...  
 ... and declare that if my candidature is approved by the General Council (or Provincial) Committee I shall faithfully follow the principles and policy of the Party as laid down in its Programme passed at Allahabad on the 22nd February, 1923, and shall strictly conform to all rules and directions which may have been, or may hereafter be, issued by the General or Provincial Council of the Party or a Sub-Committee appointed by either of the said Councils regulating the conduct of elections by members of the Party. I further agree that in case I am duly elected I shall faithfully observe all rules and carry out all instructions which may from time to time be issued by the General Council for the guidance of the elected members of the Legislative Assembly and the Provincial Legislative Council, and if at any time I feel unable to carry out such instructions I shall forthwith resign my seat and seek re-election if so advised.

## The Viceregal Threat

The reply to the war-cry of the Swarajists : "to wreck these monsters of reforms which were drinking the life-blood of the nation and make Government by Councils impossible" as declared by Mr. C. R. Das, came promptly from no less a person than the Viceroy Lord Reading. He set all speculation at rest as to the attitude of Government in face of the new Swarajist onrush by boldly coming forward in the arena of controversial politics and openly giving out his mind. The occasion was a dinner arranged for the purpose at the Simla Chelmsford Club by Sir Mian Mahomed Shafi on the 17th of October 1923. A large and distinguished gathering of some 70 high officials and non-officials participated in the function which though looking like a social gathering was in reality a political demonstration of the vested interests of the first magnitude.

Sir Mahomed SHAFI in proposing the toast of the guest of the evening poured forth his eulogy of Lord Reading. Being a Mussalman he attached the greatest importance to the Lausanne Treaty on the Turkish question in the solution of which, he said, Lord Reading's Government contributed a good deal and through which he foresaw a new era for the near and middle East; but the Non-Co-operators could not be forgotten. The Law Member characterised their movements as a spent-up force now yielding place to constitutional activities. He referred to the fact of the Swarajists entering the Councils with their threat of wrecking the constitution. He advised them not to carry on in a spirit of iconoclasm but adopt responsive co-operation which alone would prove beneficial to India. In support of Lord Reading's certifications and the imposition of salt tax in the face of the two adverse votes of the Assembly, Sir Mahomed Shafi dilated on the beneficial results the salt tax had already achieved, and he invited the new legislators to this form of responsive co-operation and constructive work and thereby help Lord Reading who, having studied Indian conditions during this first half of his Viceroyalty, was now determined to carry out the plans he had matured regarding the Reforms. Sir Mahomed Shafi was a Punjabi, and he referred to the Sikh agitation regarding the Maharaja Nabha's abdication; but he found consolation in a prophecy. He therefore wound up his speech with reminding himself of what Lord Northcliffe had told him during his last visit to India. Lord Northcliffe had said: "In Lord Reading England has given her best brain, and if any one can solve India's problem satisfactorily, it is he."

His Excellency Lord READING in reply made important observations on the political situation in the country, particularly in respect of the proposals to wreck the Councils, to boycott the Empire Exhibition and British Goods, and the Nabha abdication. First of all, speaking about the reforms, he emphasised that they depended upon the impressions which India would produce upon the British Parliament when reforms would again come up for consideration. This meant that unless the new members in Councils behaved like good boys there would be no reforms. But even Moderate legislators like the Rt. Hon. Sastri and others had advocated boycott of Empire Exhibition, which, he said, had created a bad impression. Moreover, the Swarajists who would enter the Councils had declared that they would wreck the constitution. Lord Reading affected not to believe in the efficacy of these declarations, but at the same time he warned them that if ever they should succeed, there would be a paralysis of Reformed Constitution. He gave grave warnings of the unspeakable things that will happen if the Swarajists succeeded or the Moderates supported them. Of course Government were resource-

ful and they would meet the situation. The administration would not be in abeyance. That meant that Govt. would revert to the pre-reform era and the blessings of the Montford Scheme would be withdrawn. He had not the slightest notion of yielding to the demand which according to their manifesto the Swarajists were going to make. On the other hand, if they carried out their promises and pursued a policy of obstruction, he on his part was willing to meet them more than half-way in helping forward their objective, namely the wrecking of the Reforms. He made it perfectly plain that there was to be no entertaining the suggestions of the Moderates for further advance till the end of the statutory period. His Excellency added, as if by way of reply to Mr. Sastri and his friends, that the cause of Indians Overseas would not gain in strength by the boycott of the Empire Exhibition. "I know my countrymen and have no hesitation in asserting that the boycott proposal will completely fail. A better course for Indians is to believe in the sense of fairplay and justice which is so strongly a marked characteristic of British people." The country will ofcourse, he said, make an additional note of the sense of fairplay and justice of Britishers before proceeding with its agitation for Swaraj.

Perhaps the most important part of Lord Reading's oration was his reference to the Nabha affair (see *post*). He refrained from divulging the nature of the grave charges against the Maharajah of Nabha, but insinuated that incidents occurred between Nabha and Patiala which threatened peace and to develop into armed conflict! Many prisoners were languishing in jail in the State and in order to save them Lord Reading had to arrive at a quick decision. Hence his acceptance of the Maharajah's offer of abdication. But there was the Sikh agitation with a view to restore the Maharajah to his Gadi. As a reply to that agitation, His Excellency said: "It is well that there should be no illusion. His Highness has ceased for all time to rule in Nabha. In due course his son will come to Gadi. Till then affairs of the State will be restored to order and justice will prevail."

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# The Elections of 1923

Having received permission from the Delhi Special Congress to contest the seats for the Councils, the Swarajists now emerged into the public eye as the one great party in the country which had the mandate of the Nation behind it. In the squabble in the Congress they had lost much time and had little opportunity of organising their party fund or workers or propaganda effeciently. Still their appeal found a ready response from the people.

The two principal groups seeking election to the Reformed Councils were the Swarajists on one side and the Liberals on the other. There remained another class who described themselves as Independents who belonged to almost every shade of opinion. Independent candidates had as a rule one thing in common. They were generally men of local influence. Often indeed they were land-holders. But in any case they possessed a definite status within their constituency which enabled them to stand without reference to a party ticket.

As the main interest of the election centred in the struggle between the Liberals and the Swarajists, it is necessary here to recapitulate the position of the Liberals in the country. For three years the Liberals had been securely entrenched within the new Councils. The substantial steps that they had taken towards the fulfilment of national aspiration may be summed up as follows: the schemes for the Indianization of the Army and of the Public Services; the vindication of India's claim to fiscal autonomy and the recognition of the principle that the tariff policy might be employed for fostering national industries; the removal from the Statute Book of some Laws of the kind popularly called "Repressive;" and the removal of some glaring items of racial discrimination in criminal trials. Yet, with all these achievements, the Liberals found themselves in a very disadvantageous position *vis a vis* the Electorate. Even from their very triumphs they reaped little credit. In none of the directions in which they had achieved progress, had they been able to satisfy, at a stroke as it were, the full force of the national demand. They were accordingly blamed because their gains were not as far-reaching as public opinion desired; the consideration that the work accomplished had called for skill, courage, and a statesman-like sense of compromise being entirely overlooked. Indeed, their very utilization of the opportunities provided under the new Reforms had called into existence a formidable opposition determined

to wrest from them the position they had enjoyed during the preceding three years. They were charged to be in league with the bureaucracy. Both in the Central and in the Local Legislatures, they had lent the whole weight of their support to the official policy against which the non-co-operation campaign had dashed itself only to be shattered. The support which they had rendered to Government in times of crisis had been of incalculable moral value to the Executive; and it is therefore no wonder that non-co-operators blamed the Liberals both for the break-down of their campaign, and for the imprisonment of the Mahatma himself. In the Provinces also, there had been a failure on the part of public opinion to distinguish between the reserved and the transferred sides of the Government. The Ministers had been popularly identified with the Executive Councillors, and regarded as little else than an additional wing of the bureaucracy. Liberal Ministers generally supported their Executive colleagues when the exigencies of the political situation demanded strong action, and such action was not counter-balanced by any development in the "Nation Building" departments. Considering the financial disabilities under which the Reformed Constitution laboured, no progress could be made in such spheres as education, public health, sanitation, industrial expansion, and the like. Nowhere had it been possible to register any such dramatic achievements as alone could have appealed to the imagination of the electorate. Moreover, it must be remembered, the practical good sense of the Liberals, which had induced them to come forward and accept office when they judged their duty to the country demanded such action, had long been imputed to them as a reproach when the catch-word of self-sacrifice was on the lips of their opponents. At a time when the spirit of the populace was uncompromising opposition to Govt. and when the greatest patriot was he who had suffered the longest term of imprisonment for defiance of Govt. orders, the Liberals were identified, partly by the course of events, and partly by the skilful propaganda of their antagonists, with all that for which Government stood: brute force, irresponsibility, high taxation, crushing the spirit of the nation and fattening the favoured few, and so on. Further, their three years' monopoly of power in the Council had to some extent weakened their coherence as a party. The absence from the Legislatures, both Central and Local, of any body of opinion which might have presented a clear cut opposition to liberal policy, was productive of unfortunate results from the party stand-point. There was a natural tendency for the elected members of the Legislature to form themselves into cliques and coteries. Opposition to Ministerial policy crystallised round personal differences rather than along the lines of divergent opinion. The openly expressed

dissatisfaction of the Liberal Party with the working of the Reforms, arising particularly out of Lord Reading's certification of the salt-tax, so far from commending them to the favour of the electorate, was received by their opponents as a condemnation out of their own mouths of the whole policy which they had been pursuing for the last three years. Their doubts and hesitations as to the efficacy of the Reforms, their lack of confidence in the Govt. which developed more and more during 1923 appeared, alike to their opponents and to their constituencies, as an acknowledgment of defeat and as a manifestation of despair. By their experience of administrative difficulties, and by their temperamental reasonableness, they could not emulate the Swarajists in the popular pursuit of vilifying the Government; yet their condemnation of official policy appeared as nothing more than an assumed effort directed towards this end. Further, the loss of reputation which they suffered in consequence of the salt tax incident was greatly aggravated through the announcement, but a few months prior to the elections, of the Kenya decision. Their natural disappointment, and their strongly voiced disapproval of the policy of the British Government, were accepted among their opponents as but another symptom that the Liberals were repenting of the part they had played in the operation of the Reforms. Thus discouraged, disunited among themselves, inspite of the best efforts of men like Sir Tej Bahadur Sapru and Mr. Chintamani, with all no effective party organization, the Liberals entered the fight against their Swarajist opponents.

The credit of the Liberals had been shaken from various causes. Disowned by the Govt. and not sure of official favour to the same degree as before, a feeble effort was made by them to earn popular favour. The last meeting of the first Assembly, which took place in July 1923, afforded ample demonstration of this. The non-official members passed a resolution recommending the curtailment of the use of the Governor-General's emergency powers. They passed a resolution which implied a desire for the relaxation of the control of the Secretary of State over the Government of India, and for the framing of rules to transfer more subjects to Ministerial control in the Provinces. They passed a resolution designed to hasten the progress of Indianising the army: they censured the Govt. for interfering, through the Imperial Bank, to prevent the panic to which the failure of the Alliance Bank of Simla had threatened to give rise. But while they forcibly presented the Indian standpoint upon these and certain other matters then engaging the attention of the public, they were unable to secure any dramatic triumph. A resolution was moved calling upon Government to release Manatma Gandhi and certain of his followers, but a skilful handling of the question by the Home Member secured its defeat; and it was counted for an aggravation of

their transgressions in the eyes of their opponents. Far more serious, however, was the effect produced by the announcement of the decision of His Majesty's Government in the matter of Kenya. This decision came as a shock to all shades of Indian opinion. Mr. Sastri thundered his protest. The Assembly's vigorous action in rushing through a Reciprocity Bill counted little in face of the fact that India's pride had been wounded, and that the Liberals had been guilty of co-operating with a Government under whose regime this outrage had occurred. So far, then, from being in a position to profit by the confusions of the Congress party, they were themselves perplexed, divided, discouraged, and deprived of that sturdy confidence in their own achievements which could alone have commended them to the favour of the electorate.

While the Swarajists naturally profited from the weakness of the Liberal position, and from their skilful identification of the Moderate Party with the misdeeds of the Executive, they themselves enjoyed certain additional advantages denied to their opponents. It is impossible to over-estimate the value of the permission they had received from the Delhi Special Congress to contest the elections. In theory the Swarajists remained a separate organization within the Congress but they did not fail to take advantages naturally arising from their intimate connection with that body. This enabled them to take advantage of the Mahatma's name. They came before the electorate as his men; pledged to achieve the objects to which he had devoted himself, although at the cost of a certain deviation from his policy. Their manifesto laid stress upon the fact that they were entering the Councils in order to ensure that the new constitutional machinery should not be exploited for anti-national purposes. They intended to present an ultimatum to Government, demanding the right of the Indian people to control their own destiny. In the event of the demand being refused, the party pledged itself to a policy of "uniform, continuous and consistent obstruction with a view to make Government through the Assembly and the Councils impossible." The Swarajists were therefore able to maintain that their position was a logical development from the principles of M. Gandhi's original campaign. The only distinction, so they argued, was that instead of attempting to destroy the Councils by boycott and from outside which had proved impracticable, they had set themselves to wreck the machinery of the constitution from within.

With the prestige of M. Gandhi behind them, the Swarajists were thus enabled to conduct a campaign of great vigour, against which the Liberals could oppose little but the individual prestige of prominent party representatives. Indeed, the programme of the Swarajists was from every point of view calculated to overshadow that of the Liberals. When both parties attacked Govern-

ment, the advantage naturally lay with those who conducted the attack with greater virulence and less restraint. There was scarcely a point put forward by the Swarajists which the Liberals were able effectively to controvert. The Swarajists stated that the Reforms were unsatisfactory; that immediate advance was essential; that the utmost pressure must be brought to bear upon the Executive; that the Kenya decision was monstrous. To all these statements the Liberals could but register their agreement, but they could not confront the Swarajists with any heroic programme of their own.

## The November Elections.

Such was the position of the parties at the time of the General Elections 1923. The number of voters appearing at the polls was everywhere much greater than had been the case in the first election. Proportions of forty and fifty per cent. were quite common in some hotly contested constituencies. For the Legislative Assembly itself, out of some 800,000 voters in contested constituencies more than 350,000 registered their votes. In certain places it was noticed that the Swarajists, owing to their superior organization and their refusal to permit of split votes, captured the majority of the seats with the aid of a minority of the voters.

## Result of the Elections.

In Bombay out of 43 non-Muslim seats, Swarajists secured 23, and non-Brahmans 11, the Liberals fairsing badly. In Bengal of 114 seats open to general and special constituencies, 45 were captured by Swarajists and some 20 by Independents. In the U. P. 40 seats went to Swarajists who won every seat wherever they opposed a Liberal candidate; only 8 Liberals, 6 Independents and no less than 43 Land-holders were returned. Some of the Liberal defeats were astounding. In Calcutta the great Sir Surendranath was defeated by a Swarajist Dr. B. C. Roy; the Advocate General, Mr. S. R. Das, was defeated by Mr. S. P. Roy. Mr. C. R. Das was returned uncontested from Midnapore. In Bombay Mr. Jayakar defeated Dr. Paranjpye. In the U. P. Mr. Chintamani and Pt. Iswar Saran were defeated. In the Panjab Dr. Nand Lal was defeated by Dewan Chaman Lal. In Madras Mr. Seshagiri Aiyar was unseated by a Swarajist. On all sides the country resounded with the din of Swarajist success.

But only in the Central Provinces did they enjoy a clear majority over all parties. In Bengal, where Mr. C. R. Das, their leader, himself led the election, they represented the strongest individual group. In Bombay and in the United Provinces, although they were returned in considerable numbers, they did not constitute the largest group. In Madras, they were but a handful as compared with the Ministerialists of the Non-Brahmin party which formed the



strongest single party in the Council. In the Punjab and in Bihar and Orissa they were extremely weak. Of the 71 elected seats in the Punjab only 9 were captured by Swarajists. In the Central Legislature, upon which they had concentrated a large proportion of their forces under the lead of Pt. Motilal, they succeeded in capturing just under half the elected seats in the Assembly. The fact is, that while the Swarajists had been very largely successful in displacing the Liberals, against whom they had directed so much of their heavy artillery, their success against Independents, or the land-holding class, and other men of local influence in their constituency, was very much less striking. The victory was however a real one; the result of the elections enabled the Swarajists to displace the Liberals as the coming exponents of the political ideals of the Indian intelligentsia in the year following.

### Problems before the National Congress.

The year closed, as usual, with the meetings of the two great parties of Nationalist India as also of the minor groups. The full proceedings of these have been given in the Supplement to this Register. The National Congress met at Coconada in the Madras Presidency. It was confronted with three principal problems. The first was the task of maintaining a working harmony between the triumphant Swarajists and the still considerable element of "no-changers" who adhered to the ideas of M. Gandhi's original campaign. The second problem was that of laying down a constructive policy for the ensuing year—the third, and the most formidable, was that of communal dissensions. The Congress contrived to avoid an actual split. No substantial adjustment of the relations between the Swarajists and the No-changers was found to be possible; although a definite breach was again averted. The Delhi compromise was re-affirmed; but so also was Gandhi's original programme of the triple boycott in which the boycott of Councils was included. The old programme of constructive work was again put forward; and the Working Committee was asked to arrange for a scheme of departmental organization of the Congress which should facilitate progress along the lines laid down. The resolutions of the Congress were therefore as a whole couched in more general terms than in preceding years. As regard communal dissensions there was a general feeling that Hindu-Muslim tension could only be alleviated along certain broad lines of all-India policy; and much attention was devoted to the consideration of measures designed for this end. The "National Pact" drawn of by Lala Lajpat Rai and Dr. Ansari was referred for re-examination to a Committee; but Mr. Das's draft "Bengal Pact" excited great opposition among the majority of Hindu delegates and was discountenanced.

(For details, see the Supplement). The Khilafat Conference, which sat side by side with the Indian National Congress, was much attracted by the "Bengal Pact" and referred this agreement together with the "National Pact" to its own committee for examination. The most important feature of the Swarajists, who held a separate meeting, was the strengthening of the Party machinery. The General Council of the Swaraj Party laid down certain rules for the conduct of party members in every Legislature, declaring that candidates elected on the Swaraj ticket would be held rigorously to their pledge. It was determined that the demand the party proposed to present to Government should take the shape of an ultimatum calling for the release of all political prisoners, for the repeal of all repressive laws, and for the summoning of a National Convention to lay down the lines of the future constitution for India. The policy of obstruction and wreckage which would be pursued in the event of Government proving recalcitrant, was again reiterated. It was further laid down that no member of the Swaraj Party was to accept any office or offer himself as a candidate for Select Committees or to accept a seat thereon; and that no member was to take part as an individual in the ordinary current business of the House. Both in the Central Provinces and in Bengal, the leaders of the Swaraj Party, as representing in one case a clear majority, and in the other the largest group of the elected members, were invited to constitute a Ministry. In both cases the invitation was refused. [Further account is given in the next issue of the Register.]

#### The Liberal Federation.

The Liberal Federation met at Poona under the shadow of its heavy defeat at the polls but the proceedings revealed no symptoms of discouragement. Sir Tej Bahadur Sapru who presided had recently enjoyed a personal triumph at the Imperial Conference, as a result of which he had opened a door leading to the consideration of the Kenya decision. There was a general disposition to attribute the failure of the party in the recent elections to the unfavourable circumstances in which the campaign had been conducted, and the Swarajists were charged with mal-practices. The majority of delegates present endorsed in the strongest terms their faith in constitutional methods of political advance. And they justified their policy by pointing out that the Swarajists had been obliged to follow the lead of the Liberals and to enter the Reformed Councils where their obstruction, the Liberals declared, would soon change into co-operation. The party bound itself to press immediately for a revision of the existing Constitution, displaying no less anxiety than the Swarajists themselves for early constitutional advance. As in previous years, the resolutions moved were directly associated with

practical measures for the achievement of practical ends. The Conference, for example, laid down a series of clear-cut proposals for accelerating the Indianization of the Army and the Public Services. They also pressed for radical retrenchment in Military expenditure. But the question which roused them most was about the position of Indians abroad. In a body where Sir Tej Bahadur and Mr. Sastri ruled, it could not be otherwise. Mr. Sastri took a very firm stand for retaliation as against South Africa and Kenya, and it required all the weight of Sir Sapru's experience and influence to moderate Mr. Sastri's extreme demands. (See the Supplement).

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# Sikh Affairs 1923

The Sikh national movement, alone of all the sectarian movements to which the War and post-war affairs gave birth, has steadily been growing into prestige and power. Like the Bengalis from the Partition days, the Sikhs count their neo-national movement from their fire-baptism at Jhallianwalla-bag in 1919. Before that they were, like the Gurkhas of to-day, the "war-dogs" of the British Government, having no other interests save those of their masters. In the fields of Flanders and Mesopotamia, the Sikhs had traced a record in blood worthy of a far nobler cause. But even such loyalty had its limits. The O'Dwyerian method of recruitment during the war followed by the great massacre at Jhallianwalla-bag turned the scale. Since then the whole Sikh nation is going more and more into the ranks of the "rebels", with this difference that whilst the Khilafat and the Congress rebels broke down into scattered rabbles, unorganised, unfit to pursue their objective, the Sikhs have ever marched forward true to their objective and ever-widening their influence.

The sufferings of the Sikhs at Jhallianwalla-bag in 1919, about the Keys affair in 1920, at the blood-curdling massacre at Nankana sahib in 1921, and at the harrowing and bestial police beating at Guru-ka-bag in 1922 have served more and more to consolidate the Sikh national movement. During all these years the Sikhs have kept up an unbroken record of martyrdom. They have no Chauri-Chaura, no Bombay, to repent. Since the Nankana tragedy they have accepted Gandhi's creed of non-violence. Their cause has been Sikh reform, Sikh nationalism. And as nationalism in India is bound to clash with bureaucratic dominion, they have come under the blows of the Government. To the long list of their sufferings was added one more in 1923—the seizure and deposition of their beloved Maharaja of Nabha.

## H. H. The Maharaja of Nabha

His Highness the Maharaja Ripudaman Singh of Nabha was indeed a strange personality. Unlike other Indian Princes, he was a stubborn nationalist, a man with very independent views, used to take part in all forward movements, whether political or social, a staunch and devoted Sikh, and identified with many reform movements in the Punjab. In the pre-reform era he was a member of the Viceroy's Legislative Council and while there always sided with

the non-official members. During the discussions on the seditious Meetings Bill he did not support the Govt. In March 1908 he strongly attacked the 'Rawalpindi Rape case' and the 'Lahore shooting case' in which some Europeans raped a Hindu woman and shot dead an Indian servant, and the matter created a sensation. When ascending his 'gadi' he refused to be invested by the British agent and elected to be invested by a congregation of Sikh Panths. He paid back a piece of impertinent discourtesy of Sir Louis Dane, the then Governor of the Punjab, and to his successor Sir Michael O'Dwyer, and to the Punjab officials in general, he was naturally an eye-sore.

But these were not the only offences of the Maharaja. Since the inception of the recent Gurdwara reform movement His Highness evinced his moral support for this reform amongst the Sikhs, and not only allowed his subjects to freely take part in the movement but himself helped the Shiromoni Gurdwara Committee in many ways. He refused to join the Punjab Government in their "Akali-hunt" of April 1922 when in one week 1,700 Sikhs were arrested all over the Punjab by police raids. Further, in the early days following the Nankana massacre, Nabha was the only State to observe the Martyr's Day as a public day. Nabha, again, was the only State in which a Sikh could go about with a black turban and kirpan, in the troublous times of the "Kirpan cases" of 1921. Such was Maharaja Ripudaman Singh, and no foreign bureaucratic Government could possibly allow such a prince in power especially when the Akali Sikhs were fast growing in popularity.

An opportunity, however, came in the shape of an inter-State dispute between Patiala and Nabha. The territories of the two States dove-tail into each other. Occasions for friction, as is natural in such cases, were too frequent, and the dispute sometimes took menacing shape. It was alleged that many subjects of the Patiala State were unlawfully imprisoned by the Nabha Court. In December 1922 Sir Ali Imam was engaged by the Maharaja of Nabha to settle the matter and Sir Ali found that it was necessary not only to release all Patiala prisoners but also to offer an apology and indemnity to Patiala.

Meanwhile the Patiala Durbar had sought the assistance of the Government of India who now brushed aside the attempts of private settlement made by Sir Ali Imam and forthwith started an enquiry under Mr. Justice Stuart at Ambala. This enquiry was opened on the 3rd January 1923 and went on till May. As a result of this enquiry, the Government of India deposed the Maharaja on the plea that it was a case of voluntary abdication. An account of how this was manoeuvred is thus given by the Sikh Reform Committee.—

"His Highness was brought round by threats of danger to write to the Political Agent inviting him to Nabha for an exchange of views, but the latter expressed his inability to go to Nabha and fixing the 5th of June 1923 for an interview at Kasauli. The Agent urged him to abdicate and threatened worse consequences if he did not. His Highness refused to do so, and preferred a reference to the Viceroy. But the Agent refused to entertain this suggestion, which is very significant, and asked His Highness to let him have a reply by the morning of the 7th June, at the latest.

"Mr. D. M. Narasingarao, the Chief Minister, and Mr. Sen, the Foreign Minister, of Nabha State, went to Kasauli on the 7th June as required by the Agent. According to the report of this interview by these two officials, the Agent demanded that the State should be handed over to the British Government, who would appoint a Civilian Officer to administer the State till the Tikka Sahib attained majority. He added, "the papers of some cases for future inquiry had reached the Viceroy who, however, had not been able to see them owing to pressure of work. Once he sees them and passes orders, even abdication would be too late. The Viceroy might pass orders on any day and hence the extreme urgency in the matter. He thought that deposition and something like imprisonment were most likely, but the Government of India had given a chance to H. H. for private settlement merely with a view to avoid the odium of punishing a Ruler. This was the last chance and it would be only until day-after-to-morrow, i.e., the 9th instant. They should return immediately and acquaint H. H. with the utmost seriousness and extreme urgency of the matter." As if maintaining all the while that the main issue was some quarrel which he, the Agent, imagined that the British Government had with the Maharaja, to settle which a submission on the part of the Maharaja to the Agent's demands mentioned above was necessary, the Agent went on to say, "it is necessary at the same time to settle differences with Patiala by accepting Sir Ali Imam's terms and also paying an indemnity to Patiala. He wished, in view of extreme urgency, that they should follow him to Simla so that he may take them to Mr. Thompson, Political Secretary to the Government of India." So when Messrs. Rao and Sen met the Agent in the afternoon of the same day at Simla, he said to them that he had already seen Mr. Thompson and ascertained his views, the trend of which was to further stiffen the terms demanded by the Agent. His Highness was to have no voice in any State appointments and could not visit Nabha without permission. He could not be allowed a house at Simla as it was not considered desirable that he should live in the Punjab. His son may see him occasionally, but the boy should be independent of association with him. Mr. Thompson also wished to fix the indemnity payable to Patiala at 40 lakhs. The Agent further said, "These arrangements must take effect immediately, i.e. within 4 or 5 days, otherwise His Excellency would pass orders in ten days." Therefore he wanted that His Highness should reach Kasauli on the morning of the 9th June, if not earlier, and give the Agent documents in his own hand-writing about settlement with the Government of India and Patiala.

"Here it is necessary to attend to a fact which is both important and remarkable. There is not the least reference, direct or indirect, to any other complaints against the Maharaja in the Resolution of the Government of India on Mr. Justice Stuart's Inquiry and the severance of the Maharaja from Nabha State, nor in the Government communiques of July 7th based on the Resolution. The Government of India has confined itself to the inter-State dispute. But, on the contrary, from the very first meeting between His Highness and the Agent on the 5th June, Col. Minchin has throughout been following a preposterous method in dealing with His Highness and his affairs. Not only did the Agent drag in false, imaginary and, as far as the matter in question was concerned,

absolutely irrelevant grievances of the Government against the Maharaja, but he had the audacity to require what he called a settlement with the Government of India in priority to what was the real issue, i.e., settlement with Patiala. The tenacity of purpose and the sustained effort of Col. Minchin, in constantly keeping before the Maharaja's eye the primary necessity of settling his accounts, as it were, with the Government of India, and at the same time continually threatening the disastrous consequences of not doing so, contrast strangely with the silence of the Government of India about any such matters in official documents. His Highness was forced to meet the Agent again on the 9th June at Kasauli as demanded by the Agent. The Agent had wired to His Highness on the 8th June urging that "immediate action was essential." Not content with this he wired again on the 9th June requiring His Highness to wire his decision, "otherwise matters will take their course." On the 9th the Agent faced him with a cypher telegram from Mr. Thompson, Political Secretary to the Govt. of India, dated July, 7th Simla, and described it as conveying the orders of His Excellency the Viceroy, to demand the terms detailed therein from His Highness, failing the acceptance of which terms most serious consequences would follow for His Highness. The Agent placed before His Highness a draft statement purporting not only the surrender of his State but something worse, and said that it had been drawn up in accordance with the telegraphic orders of the Viceroy, and required His Highness to sign that statement. That was the last straw. With a few verbal emendations it was signed by the Maharaja.

"The Agent did not rest at what he achieved on the 9th June, but he sent for Messrs. Rao and Sen the next morning, i. e. 10th June, and dictated further terms amounting practically to divesting His Highness more or less completely of nearly all his property and funds. The Agent threatened that if the new and additional terms were not accepted, the letter of the 9th June would be cancelled and the whole thing would fall through, and that all those serious consequences that he had been threatening would then ensue. This paper, too, His Highness was forced to sign by Col. Minchin who wrote peremptorily, "the matter must be settled at once," and further that the letter required by him must be signed by the Maharaja "in front of him." He himself came down to the place where the Maharaja was putting up, and there repeated the same threats and eventually got the letter signed.

At this time some high officials of the State were in secret correspondence with the Political officers of the Government of India and received encouragement from them for their treachery. The State Officials were constantly urging upon the Maharaja the urgency of submission, total and absolute, even to the extent of undertaking not to raise any question with the authorities in England.

"The Agent wired on the 27th June desiring Mr. Rao to see him at Kasauli "urgently" about "extremely important matters." Messrs. Rao and Atma Ram, the Naib dewan, went to see him on the 9th June when Col Minchin handed to Mr. Rao a signed letter which laid down the conditions imposed by the Government of India, further stiffened by the Secretary of State for India. Col. Minchin, according to the report of that interview written by Mr. Rao, Chief Minister, said "that the matter was most emergent and that the Government of India had every thing cut and dry now." "He wished to have a letter from H. H. to the effect that he agrees with the ten conditions imposed by the Government of India, as specified in the letter, and (that he) formally undertakes to abide by them. He asked me to wire to him tomorrow (30th June) after getting the letter signed by H. H., that the Maharaja had signed the letter which was being sent by a special messenger in a motor the same day. I complained of shortness of time. He said that there was no help for it as in the event of delay the Government of India would pass orders deposing the Maharaja and authorising him to remove him to Dehra Dun under a Military Guard. He specially

asked me to mention this straightway to H. H. to save all chances of mistake or of doubt. He added he would then take forcible charge of the State and make enquiries against H. H. with a view to his prosecution before a tribunal. He repeated that the Viceroy had reluctantly agreed to accept the arrangement as the idea was to make an example of H. H. and the Secretary of State had also given expression to similar views. He remarked that even without prosecution his fate would be that of a deposed prince and interned prisoner with an allowance not exceeding one lac of Rupees a year. After prosecution his lot would be much worse.....H. H. should leave Nabha the next day after Col. Minchin and the administrator arrived there.....Col. Minchin said he had been authorised by the Government of India to take with him to Nabha as many British troops as he liked." The Agent also expatiated on numerous details such as the elaborate surrendering of not only the script of the English securities and sale deeds of all house properties, but of cars, horse-carriages and riding horses, as if to scrupulously strip the Maharaja of all that was valuable and to bring about deprivation and humiliation.

"Col. Minchin's letter, dated, 28th June, referred to above, and handed to Mr. Rao on the 29th was conveyed to the Maharaja on the 30th of June. And then the upper and the nether stones of the mill began to move simultaneously with all possible speed. The Agent sent telegram after telegram demanding acceptance. He wired on the 1st July, on the 2nd July and again on the 3rd July in quick succession saying that Government were pressing for immediate reply; they must have immediate answer about acceptance or refusal of terms; that the Maharaja must come to an immediate decision because the Viceroy would await his acceptance of terms only up to Thursday night, 5th July.

"On the 1st July five of the highest officials, Messrs Rao, Sen, Atma Ram, Gurdial Singh and Hari Ram went to the length of handing to the Maharaja a written document urging him to accept Government's ten conditions, otherwise "Government were quite prepared to take drastic action against him," and "dishonour, prosecution, internment and other grave consequences would follow." No hope should be built on the "empty right of appeal" for "the Secretary of State would not interfere with the decision of Lord Reading in the matter of the kind, in the event of an appeal." So, "in the circumstances His Highness should accept the 10 conditions forthwith." In the end they said, they had "kept a copy of the document with them for reference," perhaps for reference to Political officers to prove their "loyalty" to the British Government. This document was followed in hot haste by another letter from Mr. Sen to the effect that it would be most fatal and dangerous step under the existing circumstances and at that critical juncture to listen to any extraneous advice or to avail of any extraneous help of any Sikh organisation, for he was sure that Government would make use of that fact against him. Perhaps Mr. Sen was obsessed with the prospective fear of the Shiromani Gurdwara Committee getting wind of the truth of the case and the conjoint activity of the Nabha officials and the Political officers.

At this stage enters one Mr. O'Grady on the scene. Mr. O'Grady was an employee of the Maharaja and later joined the opposite faction and came in direct communication with the Political Department, Simla.

"Mr. O'Grady wired to the Maharaja on the 3rd July from Simla warning him of disastrous consequences if they did not meet before Thursday, 5th July. A car brought him down to Nabha where he gave out something startling: namely, the inclusion of the new condition of "loyalty" in the Agent's letter of June 28 as contrasted with the earlier document of 9th June. This was a clever move to make it impossible for the Maharaja to refuse to accept the terms of June 28, for it would be said that he had accepted all other terms on the 9th and 10th June and that refusal later on meant only a refusal to submit to the "loyalty"



condition. Then the Maharaja would be at once tried for disloyalty and rebellion and as a punishment may be shot. After this shock His Highness was driven to allow a wire to be sent to the Agent by Sardar Gurdial Singh on the 5th July informing him that the letter of acceptance demanded by him would be delivered to him the next day. At this time Mr. O'Grady, on his own initiative, sent a wire to Major O'Gilvie, Deputy Political Secretary Simla, under a code name for the sender, intimating that the conditions had been accepted by His Highness as if Mr. O'Grady had been commissioned by that officer to get the conditions accepted and it was his duty to report the progress of events to him.

"It is understood that the letter of His Highness, dated the 5th of July, written in submission to the demand of Government, sums up the truth very concisely about his condition of health, the compulsion exerted upon him to accept the conditions imposed and the helplessness to which he was reduced by the conspiring of so many circumstances created round him. His Highness is understood to have concluded by saying that "he recognised that nothing was left to him but to make the submission demanded of him.....and to accept the terms imposed by His Excellency the Viceroy." This letter is called the letter of abdication by Government. We are confident that one thing which will definitely settle the question of voluntariness or otherwise of the severance of His Highness from his State is the publication of this important letter by the Government. Let the Government silence the Sikhs for ever by publishing this letter instead of trying to gag their mouth with blind repression.

"The agile Mr. O'Grady took this letter away almost immediately on the 6th of July after His Highness' signature. However, realizing at that late hour the blunder of submitting to intimidation and the subtle influences at work against him, and also moved by the grave and sudden consternation of the whole family, His Highness decided to arrest the delivery of that letter by sending Messrs. Gurdial Singh and Hari Ram in his fastest car after Mr. O'Grady with peremptory orders to bring back the letter at all costs. They overtook him at Ambala, but he refused to return the letter and curiously enough the emissaries meekly took that refusal and quietly returned to Nabha after the midnight of the 6th July. This one action of the parties concerned is enough to reveal their motives and their mentality.

#### The Seizure of the Maharaja

"Realizing that the letter had fallen into the hands of the relentless Agent, Col. Minchin, early in the morning of the 7th of July and that he would not let go the advantage seized by him, and observing that the State officials had begun to openly disregard His Highness' directions, the Maharaja would naturally for the time being feel non-plussed. Before he could devise means of achieving the purpose frustrated by the action of Messrs. O'Grady, Gurdial Singh and Hari Ram, suddenly early in the morning of the 8th July Col. Minchin and Mr. O'Gilvie took him, as if it were, by storm. Without apprising the Maharaja, they appeared before his palace "Hira Mahal" at about half past five in the morning with an absolutely unnecessary, unjustified show of military force, designed to humiliate him and to precipitate the whole situation. Notwithstanding the official avowal of voluntary severance, the Maharaja was treated like a rebel and a prisoner. It is obvious that the manner in which the possession of the administration of the State was taken is tantamount to a tacit admission by Government that it recognized that the severance was anything but voluntary. It can scarcely be credited that the well-informed and astute officials of the Government entrusted with the matter were so hopelessly ignorant of the state of affairs in the Capital of Nabha State or that they really apprehended an Akali rising, to meet which contingency Col. Minchin said he had brought the troops. Col. Minchin himself confessed later on that no Akali had been unearthed. The Colonel

forced entry through the palace gates by threatening to fire at the guard who rightly hesitated to let in a stranger with troops without taking his Master's permission. An unbroken cordon of soldiers was drawn up round the palace proper and soldiers were stationed behind every bush. Col. Minchin and others penetrated the palace unannounced and went about from room to room and thus showed the greatest discourtesy to the Maharaja.

"His Highness was compelled to get ready within a few hours to depart from Nabha on the morning of the 9th July. The same morning a Durbar was held to announce the change, but it is significant that His Highness was not invited to hand over the administration formally in that Durbar, as he should certainly have been invited if the Government itself had seriously believed that the severance was voluntary. Col. Minchin in his preliminary speech in that Durbar used the words that the Maharaja had made his "submission" to the Government of India, as if a rebel had submitted and laid down arms, and not as the Government shows that a voluntary severance had been made by a Prince. Again, there is but one inference that can be drawn from Col. Minchin's declaration at the end of the Durbar that any State subject found communicating with the Maharaja would be sternly dealt with. Was he an outlaw being forcibly exiled? In this connection it is necessary to refer to two more facts: first, the strange condition imposed upon His Highness not to go to England without permission of the Government, as if to prevent him from attempting a reversal of his virtual deposition, and secondly, the attempt of Col. Minchin to force the Maharaja with threats to sign a draft, brought by the Colonel on 31st July to His Highness' bungalow at Dehra Dun, purporting that His Highness' severance from his State was entirely voluntary and was made after full consideration and that His Highness did not want the restoration of his ruling powers. The above facts completely knock the bottom out of the official case of voluntary severance.

"It should be realized that besieged as he was altogether unawares on the morning of the 9th July, His Highness and his family would, at the moment, be entirely concerned about the protection of their personal honour and self-respect, and find it impossible to make any mention of their desire or attempt to withdraw the final letter of 5th July which had been hurriedly carried away by Mr. O'Grady. Nor did the tyrannical behaviour of Col. Minchin that day leave any doubt as to the futility of any such protestation. They were forced to submit to the inevitable out of sheer helplessness.

"After His Highness' departure on 9th July an unparalleled insult was offered to the proud house of Phul by Col. Minchin, who, in spite of the indignant protests of the senior Maharani Sahiba violated the sanctity of the Royal Zenana by forcibly entering the Pacca Bagh—a collection of palaces—by penetrating into the interior of a number of palaces, by locking the gates himself, and shutting up the ladies inside, putting a Military Guard on them, by forbidding entry or exit and by starving the Royal inmates. A few days after, to add insult to injury, he was brazen-faced enough to get a message delivered to the senior Maharani that if the incident of the Pacca Bagh were not reported to the Press, he would try to help the Maharaja. Such insults as this affair of the Pacca Bagh sink deep and burn themselves into the heart. It is doubtful whether adequate amends can ever be made for such things. This and similar incidents have permanently affected the relations of the Sikhs with the British, and it is no use concealing the fact.

"When at Dehra Dun, away from the presence of his corrupt officials and the bullying of the Political officers, and with return of better health, His Highness seems to have recovered his presence of mind and vigour of will, for he gave an unmistakable proof of it when on the 31st of July His Highness refused to sign the document placed before him by Col. Minchin, as referred to above, although Col. Minchin used the name of the Government of India, tried

all sorts of threats and desperately wrestled (?) with His Highness in the presence of the Royal family. To give him only one day, the 8th June—between the return of Messrs. Rao and Sen from Simla and the second meeting of H. H. with the Agent at Kasauli on the 9th June—to decide his fate, and then to ask him to declare that he had done it after full consideration; to ply him with threats and insidious intimidation from all sides, and yet to expect him to admit that he had abdicated of his own free will and accord; to drive him out of his State and to force him to undertake to pay an unheard of indemnity of 50 lacs, and then to ask him to cut his own throat a third time by disavowing all desire for his restoration to his Raj—this is adding a grave insult to a grievous injury. Could arrogance go any further? The limit was passed on 31st of July; and without pretending to prophesy, we might say that the future will show that Government over-reached itself on that fateful day.

"The whole game, as one would now envisage it, may be summed up briefly thus. The enemies of His Highness succeeded in undermining the integrity of practically all the principal officials of Nabha. And the triple alliance between his rivals in the inter-state dispute, his own corrupted officials, and lastly some high-placed Government officials sedulously built up round him a tyranny of hallucination by systematic suggestion and intimidation in his condition of shattered health and gradually narrowed the circle and pressed him into the presence of the Agent on 5th June last, and thenceforward the direct campaign of official pressure and intimidation was started. Once they had him on the run, their sole anxiety was not to let him rest. He was tossed to and fro between the two walls of corrupt State employees and determined Government officials: and every buffet from each side was harder than the one preceeding."

And after this long narration, the S. G. P. C. conclude:—

"The venom of the old political regime of Sir Michael O'Dwyer's time has combined with the venom of the new regime to bring about the Maharaja's ruin on the convenient and opportune basis of the inter-state dispute."

### The Government Case

The Government case was based ostensibly on Mr. Justice Stuart's report on the Patiala-Nabha enquiry. The findings of the Government of India on this report, which is not made public, are mainly as follows:—

"Of the charges set out in the eight annexures (to the report), the findings have been against the Nabha Darbar on six. The Ishwar Kaur case (Annexure III) has fallen to the ground, and in the horse case (Annexure IV), the least important of all, the Patiala Darbar have failed to establish that any offence was committed. In *one case only* (Annexure II) was there a violation of territorial rights, and though the acts of the Nabha officials in that case call for censure, they are of little moment when compared with the revelations which have been made in Mr. Justice Stuart's report as a result of his enquiry into the six cases which he has found against Nabha. Mr. Justice Stuart has in the main dealt with the cases individually, recording separate findings on each. It is left to the Government of India to synthesize the results and to draw its own inferences from the features which the cases possess in common.

"The first of those features is that in all the cases in which the finding of the Special Commissioner is adverse to Nabha, the Nabha story is definitely false. In four of these cases (the cases against Abdul Aziz, Muhammad Yaqub and Abdul Latif, and the Nabha version of the Jiundan incident), the story has been deliberately fabricated by the Nabha police, and in the Pehdani case,

it is clear that certain authorities in Nabha have supported a story which is false, though circumstances have prevented their putting the case into their own court.

"The second common feature is that all the fabrications and falsities have been aimed at one object, the injuring of Patiala. In the cases against Muhammad Yaqub and Abdul Aziz, Patiala officials were the victims. In the case against Abdul Latif, the victim was suspected of being a Patiala spy. In the Bugra case, an attempt has been made to implicate a Patiala Sub-Inspector, and in the Jiundani case, if the Nabha version had been believed, it would have meant that a number of Patiala police officers had been guilty of serious offences.

"Thirdly, in all the cases in which the Nabha Police have brought into court charges fabricated against persons connected with Patiala, the cases have been prosecuted to conviction in the Nabha courts on evidence which was utterly inadequate, and in circumstances which necessarily imply the complicity of Judicial officers in the injustice which was perpetrated.

"These three features show a deliberate perversion, by highly-placed officials in the State, of the whole machinery for the administration of justice for the purpose of damaging Patiala."

And then comes the following startling expression of their view :—

"Ever since the present Maharaja of Nabha succeeded his father, the Government of India have had abundant evidence that the whole policy of the State has been dominated by his personality, and it is inconceivable that the perversion of justice could have been reduced to a system of offence against Patiala without the Maharaja's full general approval and active countenance. It is not of course to be expected that the Patiala Darbar would be able, or the Nabha Darbar, to produce specific proofs of this in every individual case. But it has been shown in Abdul Aziz's case that the Maharaja, inspite of having been given ample opportunity of seeing that the wrong was righted, allowed the proceedings to take their course, while in the case of Muhammad Yaqub, there is a definite finding that the false story in both its stages was false to the knowledge of the Diwan, and it is *safe to assume* in such matters that what was known to the Diwan was known to the Maharaja.

"The Government of India must express the strongest condemnation of the state of affairs which the enquiry has revealed. In the written arguments presented to the Special Commissioner, stress is laid on the independence of the State in its internal affairs. The Darbar have apparently forgotten that the Sanad of 1860 does not merely confer privileges, but that it also imposes obligations. Under clause IV, the Ruler of Nabha is bound to "exert himself by every possible means in promoting the welfare of his people and the happiness of his subjects and redressing the grievances of the oppressed and injured in the proper way". Clauses V and X bind him to loyalty and obedience to the British Crown and the British Government in India. All these obligations have been broken. The deliberate perversion of justice is a clear breach of clause IV, the forcible infraction of Patiala's territorial rights is a breach of allegiance to the Crown, and the deliberate orientation of the policy of the Darbar towards the prosecution by force and fraud of the Darbar's own feud with its neighbour is a breach of the spirit of the well-known canon which prohibits hostilities between States.

"The Government of India have been unable to trace any instance in the past in which they have been called on to pass orders on a case parallel to the present one, and they cannot conceive any more subtle or insidious form of oppression than the deliberate and methodical perpetration of injustice under cover of legal forms. It is not necessary to record here the measures which the Government of India would have been compelled to take in this case, because, while these measures were under consideration, the Maharaja of Nabha *on his own initiative* visited the Agent to the Governor General, Punjab States, at Kasauli and voluntarily expressed

his desire to sever his connection with the administration of the State upon certain conditions. The Governor General in Council has felt some hesitation in accepting this offer; but after a careful examination of the circumstances he has come to the conclusion that if certain necessary conditions are imposed, the offer may be accepted, and that the advantages of a speedy settlement outweigh other considerations."

Such is the solid foundation of justice on which the "voluntary" abdication of the Maharaja rests. The Viceroy and the Government of India from time to time throw out grave insinuations of a threatened armed conflict between Patiala and Nabha which they had cleverly averted by securing the abdication, but the full facts have never been made public. The depth of feeling stirred in the heart of the Sikh community by the Nabha affair may be imagined from the fact that on the 5th and 6th of August the Shiromani Gurdwara Parbandhak Committee unanimously passed the following resolutions:—

(1). The Shiromani Gurdwara Parbandhak Committee records its considered opinion that the Government of India has deliberately taken advantage of the Patiala-Nabha dispute to wrest the administration of Nabha State from His Highness Maharaja Ripudaman Singh Malvinder Babadur, that to effect that purpose threats and intimidation have been used by Government officials to force His Highness to sever his connection with the administration of the State on humiliating terms, and that this decision of Government is vindictive, unjustified and absolutely uncalled for, even if, for the sake of argument, the charges brought against His Highness in the official enquiry made by Justice Stuart be supposed to have been proved. The Shiromani Gurdwara Parbandhak Committee is convinced that this action taken by Government against a Sikh State of great historical and religious traditions and an orthodox, self-respecting Sikh Prince is calculated to give a severe blow to the Panthic orthodoxy, organization and well-being. Therefore the Shiromani Gurdwara Parbandhak Committee severely condemns this move on the part of Government as a side-attack on the Reform Movement of which the Shiromani Committee is the custodian, and sends its full and affectionate sympathy to His Highness, his family, and his subjects in their present affliction.

(2). The Shiromani Gurdwara Parbandhak Committee resolves to hereby authorize its Executive Committee to get the wrong done to Nabha and the Panth righted by all peaceful and legitimate means.

(3). The Shiromani Gurdwara Parbandhak Committee views with disgust the behaviour of those persons who, having eaten his salt, have acted treacherously towards His Highness the Maharaja Sahib of Nabha during the enquiry about the inter-State disputes in order to help in the forcible severance of His Highness from the State. The Committee also condemns the activities of those who, taking advantage of the helplessness of His Highness, are carrying on a false and malicious propaganda to defame and discredit him.

The Committee expresses its heartfelt sympathy with those who are being persecuted in Nabha on account of their loyalty to their Master.

Previous to the passing of these resolutions, the whole Sikh community had observed the 29th of July as a day of prayer for Nabha, and then the 9th of September was fixed for marking the aggrieved feelings of the Panth by leading hymn-singing processions bare-footed through the principal streets of all important towns in the country and by offering prayers for Nabha in the Gurdwaras.

# The Indian Legislature

## The Legislative Assembly & the Council of State

### 1923

# The Legislative Assembly 1923.

## Chronicle of Events.

15th. JANUARY—Legislative Assembly opened its Delhi session. Criminal Pr. Code Amend. Bill was taken up and this occupied a good many days of this session.

16th. Army Secretary explained why 30 Britishers were smuggled into the I. M. S. without examination—in reply to Mr. Jamnadas Dwarkadas it was stated that the Government would take up the question of the Indianisation of the Services as soon as all the Local Governments had replied to the O'Donnel Circular (p. 251).

17th. Sir Malcolm Hailey said that the Government did not propose to bring forward any legislative measure providing for a preliminary warning before fire-arms are used in dispersing an unlawful assembly; this meant that Government withdrew their bill for this purpose introduced on 6th Sep. '21 on a resolution of Mr. Sastri.

23rd. Details of draft notifications specifying the terms and conditions of emigration of unskilled labour to the Straits Settlements, Malay and Ceylon published.—Mr. Hullah introduced a Bill to provide for the creation of a fund for the development of the Indian Cotton Industry.

24th. The famous Peel Despatch on further Reforms was laid on the table. Lt.-Col. Gidney's resolution recommending a change in the methods of recruitment to the I.C.S. so as to provide for the better representation of all communities and Provinces was thrown out; Mr. Venkatapathi Raja's resolution recommending the institution of foreign scholarships for research in any branch of knowledge was adopted (p. 252).

25th. Sir Malcolm Hailey announced that His Majesty's Government had decided to appoint a Royal Commission on the Services (p. 254).

26th. Mr. Seshagiri Aiyar's motion of adjournment to protest against the appointment of the Royal Commission on Public Services in India was carried despite Government opposition (p. 255).

29th. Third reading of the Indian Mines Bill.

30th. Mines Bill passed.

1st FEBRUARY—Mr. Joshi's resolution to ameliorate the conditions of agricultural labourers was defeated (p. 261).

5th. Sir Malcolm Hailey introduced the Racial Distinctions Bill. The Sec. of State had intervened on behalf of Colonials who were to enjoy the privilege attached to European British subjects despite the opinion of the Select Committee (p. 262).

8th. The question of management of Indian railways came up for discussion but was postponed (see below).

10th. Govt motion legalising emigration to Malay, the Straits and Ceylon of unskilled labour passed.

14th. Criminal Pr. Amendment Bill came to last stage after 12 day's discussion of the clauses—Mr. Agnihotri's motion to refer the bill back to select committee was defeated.

15th. Mr. Kamat's bill to amend Married Woman's Property Act passed—Mr. Seshagiri Aiyar's bills to amend Hindu law of inheritance went to committee.

16th. Mr. Jamnadas's resolution for the adoption of a policy of protec-

tion in India was adopted after considerable modification by Govt. motion that the principle be applied with discrimination.

17th. Debate on the motion of Indianisation of the Army brought by Mr. Yamin Khan ;—finally defeated by Govt. (p. 268).

19th. On the discussion of the sections of the Racial Distinctions Bill, Mr. Agnihotri's amendment to exclude Colonials from European privileges was defeated by Indian votes (p. 272).

21st. Racial Distinctions Bill passed into law.

22nd. Mr. Nag's resolution requesting the Viceroy to convey to His Majesty's Government the Assembly's protest against the reported threats of violence by the Kenya Whites was accepted by Government; Mr. Rangachari's motion regarding Viscount Peel's November Despatch was adjourned *sine die*.

24th. Cotton Cess Bill and the Official Secrets Bill passed.

25th. Criminal Procedure Code Amendment Bill was passed into law.

27th. Adjourned debate on State *vs.* Company Management of Railways; no less than 14 amendments appeared on the agenda paper; a majority of these urged the State management of the G. I. P. and E. I. Railways which was carried.

1st MARCH. The Finance Member after presenting the Budget introduced the Finance Bill; clause 2 of the Bill provided for the raising of the salt duty from Re. 1-4 to Rs. 2-8; another clause provided for the withdrawal of the concessional rate in respect of tea chests and lead; a third one provided for reducing the export duty on raw hides and skins from 15 to 5 per cent *ad valorem* and dispensed with the system of rebates.

5th. General discussion of the Budget. Salt Duty was severely condemned; instead, an imposition of a tax on the export of petrol and import of tobacco was urged. During discussion on the Budget, the Commander-in-Chief announced that His Majesty's Govt. had approved of the reductions in infantry only recommended by the Inchcape Committee.

10th. Discussion of communal rights and representations.

Non-official resolution urging the abolition of the practice of reserving railway compartments for particular communities was discussed and withdrawn; the House adopted a resolution which recommended that in making new recruitment to the Services, steps be taken to secure that the Services are not unduly overweighted with representatives of any one particular community or Province. (p. 280c).

12th. Govt. defeated on grant for Customs which was rejected by a majority of 1 vote. Voting on grants in the following days.

13th. An important discussion took place on the right of the House to cut down a votable item leaving the Government to recoup itself from a non-votable item. The House cut down a crore and 14 lakhs on railway items by 68 votes to 37. (See p. 280e).

14th. Scheme of Indianisation of the Army detailed before the House 8 Army Units were to be Indianised in the next 23 years.

15th. Attacks were made on Tour Expenses of Viceroy and Executive Councillors, and on non-official daily allowances; the latter were cut down by Rs. 10,000 by giving a margin of 8 days instead of 7 before and after sessions.

17th. Rs. 3 lakhs grant in the budget for the Royal Commission was rejected by a majority of 1 vote.

18th. Mr. B. S. Kamat raised the question of the manufacture of stamps in India; Dr. Gour's protest motion for a reduction of one Rupee under the item was carried.

19th. Sir Basil Blackett moved that the Finance Bill be taken into consideration; a heated debate followed on the certifications of the Budget cuts and the Salt-tax.



20th. Rao Bahadur T. Rangachari's motion against the imposition of the Salt Tax was carried against Government by 59 to 44 votes.

24th. Mr. Kabiruddin Ahmed urged a reduction in the railway fares of third-class passengers without effect. Mr. Venkatapathi Raju's resolution urging reduction of expenditure under Service heads and the stopping of further recruitment from outside India was discussed at length; on Sir Malcolm Hailey's motion the debate was adjourned.

26th. Sir Basil Blackett moved that the Finance Bill as amended and passed by the Council of State be taken into consideration—the House rejected the proposal by 58 votes to 47.

27th. The final sitting of the Delhi Session.

### The July Session 1923

2nd JULY. The July session of the Assembly opened at Simla. Replying to Sir P. S. Sivaswami Iyer, the Hon. the Home Member declined to ask for reports from Provincial Governments regarding the working of diarchy: Two motions for the adjournment of the House to consider the position of Indians overseas were ruled out by the President.

4th. Sir P. S. Sivaswami Iyer moved a resolution asking the Government of India to urge on the Imperial Government the necessity for promptly giving effect to the Assembly's resolutions on the Esher report; the Army Secretary replying said that His Majesty's Government had not accepted them; Mr. E. Burdon's amendment urging that effect be given to them *as early as possible* was lost.

Sir Basil Blackett replied to a series of questions by Sir P. S. Sivaswami Iyer regarding the Imperial Bank's undertaking to pay 50 per cent of the claims of the creditors of the Alliance Bank of Simla.

9th. The Commander-in-Chief announced the decision of His Majesty's Government regarding reductions in the Indian Army.

Sir Basil Blackett made a statement of the position of the Government of India regarding its hand in the Imperial Bank's offer of 50 per cent to the creditors of the Alliance Bank. Questions were asked regarding the Indianisation of eight units of the Indian Army; further discussion on the Fiscal Commission's report and the release of Lala Lajpat Rai; Lala Girdharilal Agarwala's motion for repealing the Criminal Law Amendment Act of 1908 was lost.

10th. Dr. Nand Lal's motion to amend the Government of India Act so as to restrict the Viceroy's powers of certification to measures essential for the safety and tranquillity of British India was partially adopted.

11th. Mr. T. V. Seshagiri Aiyar's motion for the early release of Mr. Gandhi, Maulana Hasrat Mohani and the Ali-Brothers was rejected by 40 votes to 22; an amendment of Mr. Bhargava urging the release of Lala Lajpat Rai was also negatived.

12th. Sir Deva Prasad Sarvadhikari moved a resolution for the appointment of a Committee, with a non-official majority, to consider whether the present financial and other support by the Government of India to the League of Nations should be continued in the light of the grievances of Indians in the Mandated Territories but eventually the motion was withdrawn. Mr. Agnihotri's resolution urging that no alteration in the pay, pension or other service conditions of the Imperial Services be made without giving the Indian Legislature an opportunity to express its opinion on the matter was rejected.

17th. Mr. T. V. Seshagiri Aiyar's motion for the adjournment of the House to consider the Kenya question was ruled out. Mr. N. M. Samarth's resolution

## THE LEGISLATIVE ASSEMBLY

urging the restriction of the powers of the Council of State in regard to Money Bills was defeated.

18th. Dr. Gour's resolution relating to further constitutional reforms for India was passed by 43 votes against 30. There was a keen debate on Sir P. S. Sivaswami Iyer's motion censuring the Finance Department in connection with the Imperial Bank's undertaking to pay the creditors of the Alliance Bank; this was carried.

19th. Sir Malcolm Hailey made a further statement in regard to the Alliance Bank debate. Dr. Gour withdrew his motion for reference to a Select Committee his Adoption Bill. Mr. Rangachari introduced his Bill for the creation of an Independent Bar in India.

21st. A series of questions on Kenya were put by several members regarding the negotiations in London and the nature of the recommendations of Colonial Office. Mr. T. V. Seshagiri Iyer moved a resolution declaring sympathy of the Assembly with the claims of Indian residents in Kenya and recommending to the Governor-General in Council to move His Majesty's Government to concede the demands. The resolution was passed unanimously.

23rd. Questions were asked regarding the purchase of Railway sleepers and prevailing unemployment among Anglo-Indians. The Assembly agreed to several demands for supplementary grants, despite some opposition, based not on the merits of the demand, but because of the Viceroy's Certification of the Indian Finance Bill. The third reading of the Bill to amend the Land Acquisition Act was passed as amended by the Select Committee.

24th. Cantonment Bill was taken into consideration and passed.

27th. After a lengthy debate the Assembly adopted Dr. Gour's Reciprocity Bill aimed at the Colonials, the Government opposing.

28th. His Excellency Lord Reading prorogued the Legislature—in his speech he expressed the determination of His Majesty's Government to work the Reforms Act in its letter and spirit; also referred to the Salt Tax and the Kenya decision.

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# The Council of State 1923

## Chronicle of Events.

**24th JANUARY :** First meeting of the Delhi session. Peel Despatch presented.

**25th.** Mr. Lalubhai Samaldas moved for the publication of the correspondence between the Government of India and the Secretary of State relating to purchase of Stores in England ; after a short explanation by the Government the resolution was withdrawn.

Mr. Kale's motion calling for papers in connection with the appointment of the Royal Commission on the Services was negatived.

**30th** Lala Sukbir Singh's resolution to control minors in the hands of mendicants was rejected.—Mr. Jogendra Singh's motion for improving irrigation was lost.

**31st.** Govt. motion not to adopt recommendations of the I. L. O., Geneva, respecting protection to agricultural labour passed.

**12th FEBRUARY :** Sir Dinshaw Wacha's resolution for altering the Army Amalgamation scheme of 1869 under which the British Army was trained at India's expense was defeated by Govt.

**16th.** Prof. Kale's resolution recommending the appointment of a Committee to enquire into the question of Industrial Finance and Industrial Banks was adopted. Mr. Sethna's resolution on compulsory National Military training of Indians was defeated by Govt.

**19th.** Sir Dinshaw Wacha's resolution for a census of the production of British India was adopted.

**21st.** Mr. Sethna's resolution to modify rules of business so as to permit Indian Legislatures to take cognisance of matters relating to Indian States was after a long debate by leave withdrawn.

**23rd.** It was stated, in reply to Mr. Sethna, that replies had been received from Provincial Governments in regard to the reduction in the number of Executive Councillors and Ministers, but as the enquiries were not complete, the Government of India were not prepared to publish the correspondence.

**27th.** Resolution to the effect that a large number of Indians should be employed in the grade of Traffic Inspectors in the transportation branch of each State Railway in India than is the case at present was carried by a narrow majority of one.

**28th.** The Rt. Hon. S. Srinivasa Sastri's resolution, modified by Mr. Raza Ali's amendment, that Government should appoint as far as possible at least one Indian Secretary, Joint Secretary or Deputy Secretary to every department of the Secretariat of the Government of India, was carried.

**5th MARCH.** Rt. Hon. S. Srinivasa Sastri's resolution on Kenya was adopted.

**12th.** Mr. Raja Ali's resolution to amend electoral rules was after discussion withdrawn.

**14th.** Mr. Raza Ali's motion making persons convicted of political offence eligible for election was defeated.

Mr. Kale moved resolution on the reduction of the Stores Department in England, and the development of the Indian Stores Department ; Government asked for adjournment of debate, Sir Dinshaw Wacha hotly intervened against Government, but finally the Government won.

## THE COUNCIL OF STATE

23rd. After five hours discussion the Government amendment to the Finance Bill raising the Salt Tax to Rs. 2-8 was carried by 28 votes against 10.

27th. End of Delhi Session—Council adjourned till July.

## The July Session 1923.

16th JULY. First meeting of the Simla session of the Council. In reply to a question, the Commander-in-Chief stated that there was absolutely no foundation for the suggestion that the War Office could or did override the Government of India in regard to Indian Military administration.

Sir Purshottamdas Thakurdas' resolution relating to the apportionment of financial liabilities between the Government of India and His Majesty's Government was defeated.

17th. In reply to a question by Sir Purshottamdas Thakurdas, Sir B. N. Sarma said that the Secretary of State had informed the Government of India of the provisional proposals of the Colonial Office in regard to the Kenya question which were then under correspondence between the two Governments; the Government of India was unable to disclose any further information in its possession.

18th. Sir Ahmed Thambi Maricair's motion for the withdrawal of quarantine restrictions enforced by the Ceylon Government on Indians was rejected.

19th. Five official Bills and three non-official Bills were taken up for discussion. Further consideration was postponed of the Bill to amend the Hindu law relating to the exclusion from inheritance of certain classes of heirs.

21st. Deputation to the Viceroy: Simultaneously with the debate in the Assembly, fifteen non-official members of the Council of State, headed by Sir Maneckji Dadabhoy, waited in deputation on H. E. Lord Reading in regard to the Kenya affair.

23rd. Sir Maneckji Dadabhoy moved that an enquiry be made into the whole system of taxation in India with a view to its thorough revision on an economic, equitable and scientific basis with special regard to the taxable capacity of the people; Government supported the motion with an amendment that further consideration of the subject be postponed till the opinions of Local Governments were received. Mr. Raza Ali's resolution expressing the disapproval of the Council at the composition of the Royal Commission on the Public Services was lost.

24th. Sir B. N. Sarma replied to a series of questions regarding the Kenya settlement. Sir Maneckji Dadabhoy moved the adjournment of the House to discuss the question; Sir P. Thakurdas, Mr. Raza Ali and others made spirited speeches protesting against the decision.—Council adjourned *sine die*.

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*Statement showing the RESOLUTIONS adopted by the LEGISLATIVE ASSEMBLY during the  
SEPTEMBER Session, 1922 and action taken by Government thereon.*

Date.	By whom.	Subject of resolution.	Action taken by Government.
7-9-22	... Baba Ujagar Singh Bedi.	Amendment of clause (4) of rule 12 of the rules for the election and nomination of Members of the Prov. Legislative Councils as well as of the Legislative Assembly.	The Secretary of State has been addressed in the matter.
7-9-22	... Mr. N. M. Joshi	Improvement in travelling facilities for third class passengers.	Agents of railways have been asked to make a careful examination of the main grievances on their lines and to submit a report as to what is being done to remedy them.
7-9-22	... Sardar Bahadur Gajjan Singh.	Removal of restrictions imposed on the export of wheat, pulses and oil-seeds from India.	All restrictions on the export of food-grains were removed with effect from the 28th September, 1922. There is no embargo on the export of oil-seeds from India.
7-9-22	... Mr. K. B. L. Agnihotri	Premier's speech of the 4th August, 1922 on the Reforma.	The resolution adopted by the Assembly was communicated to the Secretary of State.
11-8-22	... Mr. J. Hullab	Recruitment for the I. F. S. ...	The resolution has been communicated to His Majesty's Secretary of State for India for information. No final decision has yet been arrived at on the recommendation made therein.
11-9-22	... Honourable Mr. C. A. Innea.	Weekly rest day in commercial establishments as recommended by the General Conference of the Internat. Labour Organisation of the League of Nations convened at Geneva on 26th Oct, 21.	The recommendation of the Assembly has been accepted by the Government of India and action taken accordingly. A copy of the resolution has also been communicated to the Secretary General of the League of Nations.

*Statement showing the RESOLUTIONS adopted by the LEGISLATIVE ASSEMBLY during the SEPTEMBER Session, 1922, and action taken by Government thereon.*

Date.	By whom.	Subject of resolution.	Action taken by Government.
11-9-22 ...	Honourable Mr. C. A. Innes.	Recommendations of the Genoa Seamen's Conference concerning the limitation of hours of work in inland navigation.	The recommendation of the Assembly that no action should be taken in the matter has been accepted by the Govt. of India. A copy of the resolution has also been communicated to the Secretary General of the League of Nations.
11-9-22 ...	Honourable Mr. C. A. Innes.	Draft Conventions adopted by the Geneva Labour Conference of 1921.	The recommendation made by the Assembly to ratify these draft Conventions has been accepted by the Government of India; and the question of amending the Merchant Shipping Acts in order to give effect to this decision is under consideration. The India Office has been asked to communicate this decision to the League of Nations.
✓ 13-9-22 ...	Honourable Sir W. Vincent.	Revision of the Electoral Rules ...	A Committee was appointed in pursuance of the resolution. The Committee have submitted their report and the report has been forwarded to the Secretary of State.
23-9-22 ...	Mr. M. S. D. Butler...	Indian Research Fund Association	The Government of India have approved the proposals of the Governing Body referred to in Parts I and II of the resolution. As regards Part III necessary action is being taken in consultation with the Govt. Solicitor with a view definitely to accepting the offer made by the donors towards the Imperial Medical Research Institute.

*Statement showing the RESOLUTIONS adopted by the COUNCIL OF STATE during the Simla term 1922,  
and action taken by Government thereon*

Date.	By whom.	Subject of Resolution.	Action taken by Government.
15-8-22 ...	The Honourable Mr. S. P. O'Donnell,	Appointment of a Committee to examine and report on the desirability of amending the Electoral Rules of the Indian Legislature and the Provincial Legislative Councils.	A Committee was appointed in pursuance of the Resolution. The Committee have submitted their report and the report has been forwarded to the Secretary of State.
19-9-22 ...	The Honourable Mr. Phiroze C. Sethna,	Recruitment and training of probationers for the Indian Forest Service.	The resolution has been forwarded to the India Office for the information of His Majesty's Secretary of State for India. No final decision has been arrived at on the recommendations contained therein.
19-9-22 ...	The Honourable Mr. H. A. F. Lindsay,	Limitation of hours of work on inland navigation.	The recommendation of the Council of State that no action should be taken in the matter has been accepted by the Government of India. A copy of the Resolution has also been communicated to the Secretary General of the League of Nations.
19-9-22 ...	The Honourable M. H. A. Lindsay,	Trimmers, stokers and children employed at sea.	The recommendation made by the Council of State to ratify the Draft Conventions of the Geneva Labour Conference on this subject has been accepted by the Government of India, and the question of amending the Merchant Shipping Acts to give effect to this decision is under consideration. The India Office has been asked to communicate this decision to the League of Nations.

*Statement showing the RESOLUTIONS adopted by the COUNCIL OF STATE during the Simla term, 1922,  
and action taken by Government thereon.*

Date.	By whom.	Subject of Resolution.	Action taken by Government.
19-9-22 ...	The Honourable Mr. H. A. F. Lindsay.	Weekly rest day in commercial establishments.	The recommendation of the Council has been accepted by the Government of India and action taken accordingly. A copy of the Resolution has also been communicated to the Secretary General of the League of Nations.
25-9-22 ...	The Honourable Sardar Jogendra Singh.	Recommendation of the Railway Committee and the reconstitution of the Railway Board so as to provide for a strong Indian representation.	The question of the re-organisation of the Railway Board is at present under consideration. As the scope of the changes which are to be made may be affected by the Report of the Retrenchment Committee no decision can be arrived at until that Report is received.
25-9-22 ...	The Honourable Mr. Vaman Govind Kale.	Collection, compilation and publication of statistics relating to the economic, social and constitutional progress of India.	The Director-General of Commercial Intelligence has been asked to examine all the publications of the Department of Statistics with a view to seeing that so far as possible the statistics in their new and simpler form will meet all practical requirements.



# The Legislative Assembly

DELHI—JANUARY 15TH 1923

The Legislative Assembly opened its winter session on JANUARY 15th. The attendance in the House was poor, only 72 members being present. In the absence of the President who was ill, the chair was taken by the Deputy President, Sir Jamsetjee Jeejeebhoy.

The questions covered a wide range and matters relating to the Military Requirements Committee, the new appointments to the Indian Medical Service, memorials from members of the Civil Service, functions of the Staff Selection Board and Waziristan came up before the House. Questions over, the Assembly proceeded with the discussion of legislative business. The Select Committee reports on the Cotton Control Bill, the Cantonments Bill and the Boiler Law Amendment Bill were presented. Then the Criminal Procedure Code Amendment Bill was taken up on the motion of the Home Member. There were some 393 amendment on the agenda and the House was anticipating an interminable debate. Mr. Kabiruddin Ahmed started off with a proposal to postpone the consideration of the Bill to another session and spoke of racial distinctions and the Moplah train tragedy until he was pulled up by some members. Mr. Samarth who rose to clear the atmosphere of fogginess caused by Mr. Ahmed's irrelevancies explained that the amendment of the Code was entirely separate from the Racial Distinctions Committee's report. This brought Mr. Rangachariar to his feet and the speaker demanded a ruling from the chair as to whether he was entitled to travel beyond the scope of the amending Bill as there were sections of the Code not before House but which demanded amendment. The President declared Mr. Ahmed's motion for postponement out of order. The House could not allow such a ruling, depriving it of the privilege of considering it, to pass unchallenged. After some further discussion in which Mr. Seshagiri Aiyar, Mr. Jamnadas Dwarkadas and the Home Member took part, it was agreed that the question of postponement should be considered. Mr. Rangachariar again rose and sought to commit the Home Member to a definite statement on two points, namely whether amendments outside the scope of the present Bill would be rejected and whether the Assembly would have an opportunity of discussing the report of the Racial Distinctions Committee this session. But Sir Malcolm Hailey merely shifted the ground and asked whether the postponement would help the previous speaker in achieving his object. After further debating, the motion for postponement was rejected by 46 votes to 29.

Mr. Rangachariar's contention that the Assembly was not bound to limit itself only to such amendments as had not been rejected

by the Council of State or by the select committee roused heated discussion. The Home Member drew a distinction between Bills emerging out of the select committee stage and those which have been considered already by the Council of State. This brought a volley of criticism from the lawyer element in the House. Mr. Seshagiri Aiyar refused to accept such a narrow view of the Assembly's powers, while Sir Devaprasad Sarvadhikari asked how it could come up before the Council of State if Sir Malcolm's interpretation was correct after its total rejection by the Assembly. Mr. Samarth, well versed in the standing orders, read out a section which cut the ground underneath Sir Malcolm's feet, and the chair finally decided in favour of the points of view put forward by the non-officials. Having satisfied itself that encroachments on its powers would not be tolerated, the Assembly proceeded to the consideration of the Bill clause by clause and disposed of some amendments before adjourning for the day.

An important amendment moved by Mr. Rangachariar was accepted by the Government and carried. As a result of this the District Magistrate would not have the additional power, as proposed by the Bill, of transferring cases from an additional District Magistrate to another Magistrate. Mr. Agnihotri attempted the deletion of section 44 of the Code which lays an obligation on all citizens to report to the authorities all serious offences of which they become aware, particularly the obligation to inform the authorities about sedition. On the opposition of Government it was negatived. Mr. Rangachariar next moved an amendment with a view to exclude land-owners and their agents from special obligations to report to the authorities of certain serious offences which might come within their knowledge. A long discussion ensued in which no less than eight speakers took part. Mr. Rangachariar, Dr. Nandlal and Mr. J. N. Mukerjee pointed out that under section 44 of the Code all citizens were required to report such offences. Under section 45 all village headman, chowkidar, etc., and also land-owners and their agents had special responsibility for reporting such cases. The amendment was however negatived by 53 to 29 votes. The House then rose.

Next day, JANUARY 16th the attendance was very meagre and the proceedings dull. At question time Mr. Burdon, the new Army Secretary, was subjected to considerable heckling over the question of the 30 new appointments to the Indian Medical Service without competitive examination. He admitted that special terms had been granted, including a gratuity of £1,000 after five years if they no longer desired to remain in the services, and this step he justified on the ground that there was a very serious shortage of the number of European medical officers. There were, however,

91 Indians appointed to the service in the last four years and only 59 Europeans, but this assurance did not satisfy the House and Mr. Rangachariar asked if the Ministers had been consulted when these nominations were made. The Army Secretary admitted they had not been, but the question of recruitment, he said, was not one on which Ministers were entitled to express their opinion. Mr. Seshagiri Aiyar elicited further information that there were 27 appointments in 1921 to the Medical Service without examination and 19 in the following year. The same member was responsible for getting the Government to promise the publication of the Secretary of State's despatch on the subject of further constitutional reforms to India on the 24th January. About the O'Donnell circular (see L. A. R. 1922 Vol. II, p. 208*xi*). Mr. Jamnadas Dwarkadas was told that the opinions of the local Governments were being received, but the Home Member could not comply with the mover's wish that those opinions should be laid on the table. The circular was a confidential one and the Home Member could not commit himself in advance what would be done with the views of the local Governments. To the question what action had been taken in regard to the 75 major resolutions passed by the House in the last two years, the Home Member laconically replied: "information is being collected". Was there a conflict between Whitehall and Delhi, asked Dr. Gour. The Home Member denied there was, and even if there was its magnitude had been grossly exaggerated in the press. Mr. Rangachariar saw in this an opportunity to ascertain whether the principle that when the Legislature and the Government were in agreement the Secretary of State should not interfere was being respected under the new regime. Specific instances of violation was demanded by Sir Malcolm.

#### Non-official Resolutions.

The only business before the House was the amendment of the Criminal Procedure Code. Three more clauses were disposed of and the next two days were also taken up by this measure and the attendance continued to be scanty. Many amendments were moved on the 18th. The first amendment was productive of a long debate as to the maximum period of binding over of persons in a public affray. The next hitch occurred in regard to Mr. Agnihotri's amendment that section 107 should not be used against persons making political speeches, but he found few supporters even among his own party and the amendment was negatived by 42 to 19 votes. There was considerable fervour about Mr. Rangachariar's amendment that all cases of action taken under the same section should be reported to the sessions judge so that records of such cases may be examined and their legality and propriety tested. The mover made most

sarcastic observations on the ingenuity with which this section and section 144 had been used to put down agitation recently in various parts of the country and suggested that various repressive laws and the Rowlatt Act were rendered entirely superfluous by the free use of these sections. The Home Member in a fighting speech retorted that the originator of that ingenuous suggestion was no other than Mr. Rangachariar himself who had all along contended that the ordinary law of the land was sufficient to meet any emergencies. Ultimately the amendment was thrown out by a substantial majority.

January 24th was the non-official day. The attendance was large and the galleries were full. The most important affair was Sir Malcolm Hailey's laying on the table the Secretary of States despatch (see p. 72) on the question of further constitutional Reforms. Mr. Innes then presented the report of the Select Committee on the Workman's compensation Bill. Non-Official resolutions were then taken up. Mr. Jayainti Rammaya Pantulu was called upon to move his resolution for eliminating communal consideration in the appointment of public officers but the hon. member rose only to declare that he had decided not to raise this controversial question on communal representation and withdrew the resolution. Then Colonel Gidney moved his resolution that the simultaneous I.C.S. Examination be so modified as to give chance to all communities. He wanted to relax the rigors of the strict competitive system so that less educated communities like his own may have a chance of entry. Colonel Gidney warned the country against the danger of the north and the west of India being overrun in an administrative sense by the south and the east. The Indianisation of Services would mean in future the monopolising of the administration by one community. Mr. Girdharilal Agarwala felt unhappy at the thought that the principle of communal representation was not applied thoroughly. Dr. Gour in a fighting speech opposed the resolution though he belonged to a small community. Analysing the figures he said that Colonel Gidney's community was not entitled to more than one-third out of the total cadre of 1,200. The speaker strongly deplored that communal representation should have been introduced in this country. Khan Sahib Abdur Rahman in a flood of eloquence warned the House that Swaraj would be impossible without communal representation. Thereafter the debate took an animated turn, speakers who were particularly effective in opposing the resolution being Messrs Iswar Saran, Rangachariar and Jamnadas Dwarkadas. All of them were unanimous in thinking, so far as Colonel Gidney's community was concerned, that it had absolutely no cause for complaint. Indeed, said Mr. Iswar Saran, considering number, education, and stake of the domiciled community they were

over-represented and Colonel Gidney deserved a vote of censure from his community for bringing the matter before the House. M. Yamin Khan vigorously criticised Mr. Jamnadas's plea that this was giving a handle to the opponents of the reforms when the country was demanding the Indianisation of the Services. After an ineffective final reply from Colonel Gidney the resolution was put to vote and lost by 48 votes to 27. It was noticed that out of those who voted for the resolution no less than 18 were Mahomedans.

The next two resolutions on the agenda were quickly disposed of. Mr. B. Venkatapati Raju moved that 25 scholarships of Rs. 4000 per annum be granted for research work in any part of the world to Indians of promise, so as to fit Indians to replace gradually the foreign experts still necessary to-day. This motion was eventually agreed to unanimously after the Government amendment of an additional clause which spoke for itself: "as funds are available." Mr. Lachmi Pr. Singha then moved that Government officials should furnish every member of the House with every information and facilities, but he withdrew it on Sir Malcolm's opposition.

Mr. M. Yamin Khan then moved "to get King's Commissions for Indians by direct recruitment and by promotion from the rank of Viceroy's commissioned officers in such numbers that all vacancies in the Indian Regiments be in future filled by such Indian officers only till all Indian Regiments are wholly Indianized." The mover tried to show that his proposal was not aiming at anything very drastic, since, if it took an officer 25 years to reach the rank of Colonel, it was clear that, even if his resolution was being given effect to at once, no elimination of the senior ranks of British officers in Indian regiments could be expected for another quarter of a century. H. E. the Commander-in-Chief made a long reply warning the House not to move too fast but first to learn to walk and similar high-browed platitudes. The debate was ultimately postponed after Sir Devaprosad Sarbadhichary had spoken.

On JANUARY 25th the Assembly again proceeded with the consideration of the Criminal Procedure Code (Amendment) Bill. The Chair ruled out of order important amendments of Messrs. Rangachariar and Man Singh which proposed to amend sections 131 and 128 of the Code which were not included in the Bill. Mr. Rangachariar's amendment was a long one and proposed to insert a new section of six clauses regulating the use of fire arms in dispersing unlawful assemblies. Mr. Rangachariar's object appeared to be to serve the same purpose which the Government Bill (recently withdrawn) on the subject was intended to serve. Bhai Man Singh wanted that no force under section 128 be used to members of an unlawful assembly if they did not offer resistance to their being

arrested. But both these amendments were not allowed to be discussed as these referred to sections outside the scope of the Bill.

### The Royal Commission.

After some more amendments had been negatived, Sir Malcolm Hailey interrupting the proceedings of the House took the earliest opportunity to announce the decision of his Majesty's Government regarding the appointment of a Royal Commission on Public Services.

Mr. Rangachariar asked : who will pay for this Commission ?

Sir Malcolm Hailey replied that he had made this announcement to the House as a matter of courtesy and any discussion on it must be raised in the ordinary manner. Dr. Gour speaking on behalf of the Democratic Party expressed his feeling of shock at the news (hear, hear) and hoped the Chair would allow the House the earliest opportunity of moving an adjournment to discuss the question of the appointment of the Commission.

A lengthy and heated discussion then ensued on a clause relating to the widely known section 144 of the Criminal Procedure Code. Bhai Man Singh moved an amendment requiring the magistrate to act on credible information under this section and not merely on his opinion. Bhai Man Singh said that the scope of section 144 was very wide and the powers of the magistrate under that section were so unrestricted that safeguards against them were necessary to prevent any misuse of the section. He instanced that even a peace-loving person like Pandit Madan Mohan Malaviya was prevented by the exercise of this section from addressing a public meeting at Ambala.

Sir Henry Moncrieff Smith said that section 144 was important inasmuch as it dealt with the power deliberately placed in the hands of the executive for the maintenance of public tranquillity. In order to meet the wishes of the House he moved another amendment on behalf of the Government adding the words 'if there is sufficient ground to proceed under this section.' This amendment met with the unanimous approval of the House and was adopted.

Mr. Rangachariar moved the addition of a sentence that the magistrate should resort to section 144 only after recording his opinion that the other powers with which he is entrusted are insufficient. He explained that the security sections 107, 108, and 109 were meant for the prevention of wrongful acts while section 144 empowered the authorities to prevent rightful and legal acts in the bigger interest of public peace. The amendment was rejected by 45 to 23. Another amendment of Mr. Rangachariar met the same fate. In rage he exclaimed : no wonder that the country refused to pay taxes imposed by the Assembly when on such an important occasion 60 members who represented the people were absent !

On JAN. 26th. the Chair was occupied by Mr. Rangachariar, in the absence of Sir Jamsetjee. There were no less than three motions for adjournment before the House. One was by Munshi Iswar Saran to discuss the Secretary of State's despatch on further constitutional reforms issued on the 24th. The chair took the view that there had been sufficient delay in the issue of the despatch and the question could not now be regarded as one of urgent public importance and ruled it out of order. The other two stood in the names of Mr. Seshagiri Aiyar and Dr. Gour respectively and covered the same subject, namely, the forthcoming Public Services Commission. The former wanted to discuss the announcement made the day before and the latter its appointment. But the President ruled the latter out of order. The Home Member expressed his neutrality in the matter. Mr. Rangachariar granted leave to discuss the announcement.

Three adverse events within the last two days, viz., the Commander-in-chief's speech on the Indianisation of the Army, the Secretary of State's despatch on the Reforms, and the announcement of the Royal Commission, provided the necessary stimulus and the Assembly exhibited a wholesome vigour in passing the motion for adjournment raised by Mr. Seshagiri Aiyar to express their sense of disapproval of the proposed commission. Eleven speakers participated in the debate and it was significant that except for Colonel Gidney, who hoped that the commission would usher in better days for his community, and Mr. Zahiruddin Ahmed, who did not think it was right for one to displease one's masters, all speakers, barring ofcourse the Government members, condemned the appointment of such a commission. Mr. Seshagiri Aiyar deprecated the opening of the question just at the time when further constitutional reforms had been refused and regretted that so warm a friend of India as Mr. Montagu should have written in his letters to the Times that the legislatures here had very often shown a hostility to the civil services. The proposed enquiry was enough, he said, to damp the ardour of the most earnest amongst them. The idea would have been unthinkable if the country had full self-government and he held out a warning that the enquiry would be one-sided as the entire country was against it. Sir Devaprasad Sarbadhikari saw in it the outcome of the steel-frame debate of last August. He went into the question of costs of previous commissions which had achieved nothing. He quoted Lord Islington, the president of the last Royal Commission, who said the whole question should be solved at one sitting by two men. But he saw a danger in the previous speaker's threat of non-cooperation with the Commission.

Dr. Gour was more emphatic and gave many pointed thrusts. He began with the intrinsic and inherent illegality of the Commis-

sion on its constitutional side. As Mr. Samarth qualified the statement, it was against section C in clause 96 of the Government of India Act which empowered the Central Authority to embark on exactly the course now to be taken by the Royal Commission. The speaker quoted from Lord Peel's despatch in which he urged that the new constitutional machinery has to be tested as a whole as an argument against an immediate advance. This was dated the 22nd November and yet within six weeks sufficient experience has been gained, quoting again here from the announcement of the Royal Commission. It was imposed on this country against the wishes of the people and of the Govt. of India. The Home Member had not categorically denied the challenge in the Council of State the day before (see *post*). Much amusement was caused when Sir Malcolm Hailey observed that no challenge had been thrown. Dr. Gour said that in that case he challenged him now. It also contravened, according to him, clause 33 in the Joint Committee's report laying down non-interference with the joint wishes of the Legislature and the Government of India, unless imperial interests were imperilled. The Assembly would know, he concluded, how to deal with the provision for expenditure on this item at the budget time. Mr. Spence and Mir Asad Ali also supported the motion while Sir Montagu Webb could see no good whatever as the outcome of the Commission's labours. Its appointment gave a handle to the opponents of the Reforms to say that both the Legislature and the Government of India stood discredited, ignored and overruled. He thought it inconceivable that any future Indian Legislature or Government would deny its obligations.

Sir Malcolm Hailey in a lengthy speech, for whose splendid advocacy Mr. Jamnadas Dwarkadas paid a merited tribute, said it was most difficult to face not facts but an atmosphere of suspicion in which imputations really baseless flew wildly about. Referring to Dr. Gour's challenge to him to state whether the Government of India agreed with the Secretary of State in this matter or not, his answer was simple. The Government of India were never in the habit of revealing to the public either the consensus or the difference of opinion between themselves and the India Office and, he did not propose to depart from that practice to-day. There were big questions to be solved, and not merely of emoluments. Recruiting for the Services in England had been impeded by doubts as to their future prospects and they had to be removed. The Indianisation of the services was inevitable but it could not proceed far unless questions like the constitution of the all-India services whether they were to be on a provincial basis or not were first solved. The commission was absolutely necessary as a result of the introduction of the



Reforms, and if attention had not been concentrated on the political character of those Reforms, should have come simultaneously. His frank admission that the enquiry was undertaken by Whitehall because Parliament had authority over India and his open suggestion that they in England has no confidence either in the India Govt. or the local Govt. came as a shock to the Indian members. He plainly said that the enquiry was being held not under the auspices of the India Govt., because the India Govt. held views opposite to those at Whitehall.

Mr. Jamnadas, refused to be gulled into the belief that the pace of Indianisation might be accelerated by the Commission's findings. The Home Member's speech indicated an anxiety that recruiting was not satisfactory. Besides, were they justified in expecting anything from the Conservative Govt. which had shown its spirit in the recent 30 appointments to the Indian Medical Service? Would such a Cabinet ever advance the national cause? He had always spoken plainly to the people in the past, but on this occasion he felt that colossal blunders of this kind made the work of those like himself who believed in the British connection exceedingly difficult. Insistent cries to apply the closure followed his speech. Mr. Innes was the last speaker but all sections of the House had previously arranged that closure should be applied to prevent the motion from being talked out. The Government opposed this appeal, but on division it was found that a large majority was in favour and accordingly on the motion being put to vote at 20 minutes to six it was carried by an enormous majority. This was virtually a vote of censure on the Secretary of State.

#### First Labour Reform

On Monday, January 29th, the Assembly met for official business. The whole week was devoted to the consideration of the Joint Committee's reports on various Government Bills. The Cotton Cess Bill was referred to a Joint Committee, and the Steam Boilers Bill and the Cantonments Bill were passed. A notable measure of social legislation was the Indian Mines Bill which marked a great step in advance of present conditions. Labour's representative in the Assembly, Mr. N. M. Joshi welcomed the Bill because at last the principle had been accepted of eliminating the labour of women and children underground; but he frankly grudged the oblique way in which the principle as regards women had been introduced. The Bill itself only mentioned that the Governor-General in Council may prohibit the employment of women, whilst the Committee's Report "places on record a recommendation that the employment of women below ground" be prohibited "at the end of about five years", and the member in charge of the Bill (Mr. Innes) during the debate

repeatedly stated that Government were resolved to end this employment of women in due course of time and regarded the absolute prohibition of children below ground as a first step in that direction. The present Bill was the first revision of the mining law in 22 years, and so Mr. Joshi preferred to be satisfied with half the loaf conceded rather than delay so necessary a piece of legislation still further.

The debate brought out the present conditions prevailing in Indian coal mines—labour there being whole-timers only to a small extent and the bulk being supplied by villagers who once a week trek from their farms 5 to 10 miles away, go below ground and stay there for 3 days or so sleeping, eating and working in the grime and darkness. Under this system it is not only the chief bread-winner of a family that goes mining but with him he takes his wife and children : conditions unparalleled in any civilized country. The maximum hours of work were fixed at six days a week and 60 hours (or 54 hours if below ground) per week. Mr. Misra wished to reduce these hours to 48 and 42 respectively and Mr. Agnihotri to 54 and 48 ; but the House seemed but amused at the idea of reducing the hours of work of these dirty labourers. Mr. N. Sircar, the well-known Bengali mine-owner, lamented that already miners were not doing more work and as it was all piece-work, there was no means of forcing them to work longer hours. The 60 and 54 hours' maximum in fact had been included in accordance with the stipulations of the Washington Convention, but did not touch the abominable system of sleeping underground, which "although forbidden, is only too common." Mr. Joshi struggled hard to win the House for the abolition of this system but the House would have none of it on the ground that it was "the habit of the people." The cry was raised of the doom of a "key industry" the very existence of which would be threatened by such "hasty legislation", which could not but materially increase the price of coal and would thus affect all other industries as well.

## The Council of State.

DELHI—JANUARY 24, 1923.

The Council of State first met on the 24th January and sat only for an hour. The most important item of business was the presentation of the Secretary of State's Despatch on the Reforms. On the second day, Jan. 25th, the Council of State considered two Resolutions, the first of which dealt with the purchase of stores in England and was moved by Mr. Lalubhai Samaldas. The mover referred to the questions which inevitably are being asked in the British Parliament whenever any order for India is placed elsewhere than in Great Britain, and to the general suspicion in

Indian circles that tenders are "manipulated." Mr. D. T. Chadwick's reply was that the High Commissioner was now-a-days so bound by the well-known order of December 22nd, 1921 (see I. A. R. 1922 p. 748) that there was no question of orders being placed otherwise than purely and strictly on business lines; and he flatly denied any secret correspondence on the subject between Whitehall and Simla. The mover then withdrew his resolution.

### On the Royal Commission.

The second resolution was moved by Mr. V. G. Kale and called for all the correspondence recently passed between the Secretary of State and the Indian Government "on the question of the improvement of the conditions and prospects of the Indian Civil Service and other Imperial Services, especially in connection with the appointment of a Commission to inquire into the matter." But a dramatic turn was given to the proceedings by Sir Malcolm Hailey who forestalled the moving of the Resolution by the announcement that the Royal Commission in question had been appointed and that its terms of reference included not only the pay, etc. of the Indian Civil Service, but also the extent of the application of the Preamble of the Reform Act to the Indianization of the Services! But Mr. Kale, felt unable to follow the Home Member's invitation to withdraw his resolution and considered it of importance that the country should know how the very cogent reasons put forward on this side against further Commissions for which there was no money and which only tended to embitter feelings had been met by the Secretary of State. Mr. Sastri made the point that the distinction between the Govt. of India and the Secretary of State for India was a real one embodied in the Reform Act and in the convention which had grown up to the effect that if the Indian Legislature and Government agreed the Secretary of State, though disagreeing, would not interfere. This convention had been scrupulously observed by Mr. Montagu and the tendency should obviously be in the direction of further strengthening the independence of the Indian Government, as enjoined by the Joint Committee. From every point of view it was important that Indian opinion should know how far it was being espoused by the Indian Government and he therefore hoped that the full correspondence would be published. The resolution was eventually put to vote and negatived by 15 votes to 10; among the 'Noes' being, besides officials, Md. Zahiruddin, Dewan Tekchand, and Nawab Muzammillah Khan.

On January 29th the Council passed the Criminal Tribes Amendment Bill as passed by the Legislative Assembly without any new amendment.

On January 30th non-official resolutions were taken up. Lala Sukhbir Singh moved that the Bill to control possession of minor children by sadhus, fakirs, religious mendicants and certain other persons be referred to a Select Committee but it was rejected. Sardar Jogendra Singh moved that, as there are many irrigation projects awaiting sanction, it would be of advantage if funds could be provided for them on the same scale as for Railways and a proper expert Board constituted at the Head-quarters to prevent delays in decision. The mover regretted that the hopes entertained by the people of India that with the reforms there would be speeding up of agricultural development of the country had not been fulfilled. Govt. opposed the resolution on the ground that Irrigation was a provincial subject and the Central Govt. should not be saddled with it. The motion was ultimately lost.

On January 31 three Bills which were passed by the Legislative Assembly were placed on the table. Mr. Sarma next moved recommending the Council to agree to the recommendations of the Assembly to refer to a joint committee of both the Houses the "Bill to provide for the creation of a fund for the improvement and development of the growing, marketing and manufacture of cotton in India." This was passed and a Committee was nominated.

The Council had before it two resolutions dealing with the Convention and two Recommendations passed at the International Labour Conference, Geneva in 1921, and referring to the extension to agricultural labourers of provisions for workmen's compensation, social insurance, housing, and the employment of women and children. Mr. Chadwick, moving that no action be taken, explained that India was an original member of the "International Labour Organization" and that as such it was bound to place all draft resolutions there passed before its own Legislature, which was at liberty to adopt or reject, but not to amend them. As in India even industrial workers enjoyed none of the privileges referred to, it was, Mr. Chadwick argued; out of the question to apply them to agricultural workers, especially seeing the working conditions of Indian agriculture. However, Mr. Sastri rose to move as an amendment that there be added, "at the same time this Council recommends that an inquiry be made as to what action in regard to these matters is practicable and necessary in the case of organized plantations like those of tea, rubber and sugar." Mr. Sastri pleaded for giving loyal support in spirit, no less than in letter, to the humanitarian effort of the I. L. O. He showed that plantation labour and other agricultural labour obviously differed radically and concluded from the state of, e.g., the Assam Plantations, that there was *prima facie* evidence for an enquiry though neither Government

nor the Council would thereby be committed to any actual measures. Mr. Chadwick remained adamant and his resolutions were duly passed, Mr. Sastri's amendment being negatived. The next day, i.e. February 1st, the Assembly on its part, was called upon to do its duty in regard to the same two Govt. resolutions: Mr. Ley having introduced the resolutions, Mr. Joshi moved an addition: "and requests the Govt. to enquire and report to the Assembly what action regarding these matters is necessary and practicable in the case of organized plantations." He reminded his hearers that organized plantations were already governed by special laws; that in Kala Azar and Ankylostomiasis they had their occupational diseases; that, according to the last Assam Labour Report, many plantations were already doing voluntarily a good deal by way of old age pensions, maternity benefits, &c. He only asked the Assembly, after having accepted the resolution, to act in the spirit of the Convention, and showed, that since they already had legislation for organized factories and not for all factories, there was not the slightest reason why they should not likewise discriminate between organized plantations and other agriculture.

## The Legislative Assembly.

DELHI—FEBRUARY 1923.

On February 1st the Assembly met for official business. The Indian Factories Act Amendment Bill to permit work on Sunday, if there has been another holiday in the week, was introduced. Mr. Hullah moved a resolution regarding rules for emigration of labour to Ceylon but it was postponed. Considerable time was then given to the amendments to the Cr. P. Code. On the 3rd February there was only one piece of legislation on the agenda, namely, the Workmen's Compensation Bill. On the 5th few interpellations of general interest figured on the agenda, practically the only one being from Dr. Nandlal regarding the Frontier Committee's Report. The Govt. had only recently received it and could not state when it would be ready for publication. One member from Assam elicited the information that the Islington Commission cost a little over 12 lakhs.

### Racial Distinctions Bill.

Then came Sir Malcolm Hailey's motion for leave to introduce the Bill embodying the recommendations of the Racial Distinctions Committee. It was only a formal introduction. Sir Malcolm Hailey's was the only speech permitted on the motion and it was delivered by the Home Member with unusual deliberation. On no question, he declared, was European and Indian opinion more divided or antagonism more pronounced. It was not a mere revision or improvement of the existing law that the Government contemplated. But

he would ask the country to accept the present Bill as an earnest of establishing the races on an equal footing. The House was not allowed even breathing space, to dwell upon the speech but was spurred on to the continuation of the discussion of the Workmen's Compensation Bill.

The Bill as presented had been altered by the Secretary of State in two respects, *viz.* in regard to British Dominion subjects and British soldiers. The report of the Committee was kept long suppressed, and it was thought at one time that the Secretary of State was going to shelve it. Pressure of public opinion at last forced Govt. to publish both the report and the bill on the 2nd February. But the main fact now emerging was that a Select Committee of the Indian Legislature and the Indian Government, having come to an agreement, are both thwarted by the Secretary of State. Sir Malcolm however exhorted that the Bill breathed the spirit of compromise and goodwill. "Capture it," he exclaimed, "while you can."

A further and perhaps even more startling exhibition of this "spirit of Whitehall" obviously lay at the back of the declaration made by Government on the 8th, when a crowded House (and galleries) had come to hear the Government policy as to the fate of the E. I. and G. I. P. Railways at the expiry of their "contracts." It was accepted on all sides here as an open secret that the Indian Government, confronted by the findings of the Acworth Committee and the very strong feeling in the Legislature (and the country) as to the necessity of ending Company management of Indian railways, would accept the verdict of the House and announce its decision of taking over the two railway systems as their leases matured. But Mr. Innes informed the House that the Secretary of State had not yet had sufficient time to go into the matter and therefore the Government would not be able to take part in the debate, unless it was further postponed—say for a fortnight!

On Feb. 7th the Assembly had a short session devoted only to the Cr. Procedure Amendment Bill. On the 8th there was an unexpected development when the Assembly met to consider the question of State *versus* Company railway management. No other item was placed on the agenda, apparently on the presumption that it would occupy the attention of the House the whole day. But Mr. Innes on behalf of Government suggested that it would be convenient for them if the consideration would be postponed to a later date as the Secretary of State had called that he had not made up his mind about it and would not be ready for another ten days. Dr. Gour was anxious to have full information as to the dates on which Government's views were communicated to Whitehall and the Secretary of State's reply was received—a request, which was refused. Mr. Innes had not put his suggestion in the form

of a definite amendment but would be compelled to do so, he said, if Mr. Samarth's amendment to the original resolution, applying the principle of State management to the East Indian and the Great Indian Peninsula Railways when the period of their contracts expired, was brought up. The Home Member rose to supply the omission by definitely moving a postponement of the discussion. Mr. Innes, he said, had handsomely taken on his shoulders the blame for causing disappointment to the House, but in point of fact the Government of India had on account of very hard work been late in despatching their views to the Secretary of State. He, therefore, suggested a postponement of the resolution. This the House accepted and the question came again on the 27th.

#### Company *versus* State Management.

On this day the Legislative Assembly secured a notable triumph on the vital problem of Company *versus* State management. It will be remembered that on the 7th September 1922 Maulvi Miyan Asjad-ullah had moved a resolution recommending that the Indian Railways Act of 1890 be so revised as to give India the full benefit of State-ownership of Indian Railways. To this, on the present occasion, Mr. Neogy moved an amendment recommending that the Governor-General in Council "may be pleased to accept and give effect to the recommendation of the Chairman and four other members of the Indian Railway Committee, 1920-21, that the undertakings of guaranteed Railway Companies, as and when the contracts fall in, should be entrusted to the direct management of the State." Mr. Neogy contended that the railway policy hitherto pursued had not been directed so much in the interests of the Indian industries, or towards the promotion of the well-being of Indians, as in the interests of the British manufactures and British interests generally, and urged that an unqualified adoption of State management was the remedy. Dr. Gour moved an amendment to Mr. Neogy's amendment. In doing so he observed that, while generally speaking he was in entire sympathy with Mr. Neogy, he wanted to deal with the question as a man of common sense and of business. Dr. Gour pointed out that the contract with the East Indian Railway would expire on the 31st December 1924 and that with the Great Indian Peninsula Railway in 1925, while the contracts with the other six State-owned railways leased out to companies for the purpose of management would expire between 1928 and 1950. He therefore urged that on the expiration of their leases the East Indian Railway and the Great Indian Peninsula Railway be taken over for management by the State. Sir Campbell Rhodes wanted to move a further amendment to the effect that before coming to a definite decision as to the best railway policy for India it was desirable to continue for a further period of five years

the principles both of State and Company management. Mr. Innes, speaking on behalf of Government, recognised that Indian opinion generally had ranged itself in favour of State management while the European business opinion had ranged itself in favour of Company management. Govt. no doubt sided with the latter. Government had decided that when the contracts with the East Indian Railway and Great Indian Peninsula Railway Companies expired next year they must take them under direct State management but Mr. Innes did not wish it to be implied that they were adopting this course because they were convinced that State management was the best form of management for India. The Commerce Member further observed that he intended to explore possibilities. Mr. Innes concluded, "I do not ask for very much. All I ask is that the House should not, as I may have said, bang the door against any well-considered scheme for Company management. It will be a company domiciled in India, an indigenous company. All the ideas, all the hopes and all the aspirations of India in regard to Indianisation of the Railway Services will be fulfilled just as adequately by a Company of that kind, an indigenous Company as by the State, and with, I am sure, very much less cost to the country." He then suggested that at the end of Dr. Gour's amendment be added the following words :—

But that efforts should be continued to concert measures with the object of handing over one or other of the two railways after such grouping as may be necessary to an indigenous company calculated to give India the benefits of real company management.

"The effect of that is that we take over the two railways in the first instance, but that we continue our efforts with the object of handing over one or other of them to a real private indigenous Company." In addition to Sir Campbell Rhodes, the European commercial view was voiced by Sir Montagu Webb and Mr. Wilson showing how from the business point of view the management of Indian railways by a real Company was the only and the best method of running a purely commercial concern. An animated discussion then lasted for nearly four hours and the Indian point of view was put forward by Mr. Seshagiri Aiyar, Mr. Manmohandas Ramji and Mr. Kamat, who refused to accept Mr. Innes' motion which they contended wanted to commit them to a scheme which was absolutely obscure and also wanted to place Company management above State management without giving the latter a trial. Sir Malcolm Hailey, after pointing out some of the attractions which Company management offered, thought that it would be unreasonable absolutely to close the door to negotiation for an Indian Company. He denied that by passing Mr. Innes' amendment the Assembly was, as suggested by Mr. Seshagiri Aiyar, tying itself to a definite line of action with regard



to the Company or that if this amendment was passed they would be bound to give one of their railways over to a Company. Mr. Neogy's resolution having by now fallen into the background, the tie was between Dr. Gour's and Mr. Innes' amendments. Mr. Innes' amendment was at last defeated by 56 votes against 42 and Mr. Neogy's motion as amended by Dr. Gour was carried without a division.

On February 10th the Assembly resolved to send congratulatory messages to their Majesties and Viscount Lascelles and Princess Mary at the birth of a son to Her Royal Highness. After nearly four hours' discussion, the Assembly passed two resolutions moved by Mr. Hullah declaring as lawful the emigration of unskilled labour to Ceylon and Federated and Unfederated Malaya States on terms and conditions published. This perpetuates the shameful betrayal of the poor Indian emigrants into the hands of the Colonials and the House was powerless to check it. The Factories Act Amendment Bill was passed and three minor Bills were introduced. On the 12th the Cr. Pr. Code amendment was gone through in a very thin House.

On February 14th other official bills were taken up by the Assembly. The Cr. Pr. Amendment Bill came to its last stage after having engaged the attention of the House for 12 days. On Section 162(1) there was a hard struggle between the Govt. and the Indian members and in the end Govt. was defeated by 41 to 32 votes. The Official Secrets Bill then came for consideration. Up till now the British Law was operative but as that did not suit the administration of India, this new measure was brought forward. Mr. Agnihotri wanted to have the bill sent back to the select committee as the provisions were such that the liberty of the subject was at the mercy of the authorities. His proposal was negatived, as well as some others.

Next day, February 15th, was devoted to non-official business. On the motion of Mr. Kamat, the select committee's report on the Bill further to amend the Married Women's Property Act, 1874, was taken into consideration and passed. Mr. Seshagiri Aiyar's Bill to amend the Hindu law relating to the exclusion from inheritance of certain classes of heirs and to remove certain doubts was referred to a select committee. The House also agreed without opposition to commit to a select committee another Bill of Mr. Seshagiri Aiyar which changed the order of inheritance in the Hindu family so as to bring earlier certain female members. Mr. Abdul Kasim next moved for a select committee on his Bill to provide for the registration of the *Waqf* estates (endowments) and the proper rendering of accounts by the *mutwallis* (trustees) of such estates. There was some opposition to this but at the end the House agreed to refer the

Bill to a select committee by 41 votes against 30. Mr. G. R. Pantalu next moved for reference to a select committee of his Bill further to amend the Land Acquisition Act, 1894, but this was rejected.

### Protection & Indian Tariff.

On February 16th one of the most momentous problems that have agitated the public mind for generations came up for discussion before the Assembly. That problem was whether India should accept a policy of protection qualified by such discrimination as may be decided upon by the Government of India in consultation and with the approval of the Legislature. Mr. Jamnadas Dwarkadas moved the following resolution :—

This Assembly recommends to the Governor General in Council that a policy of Protection be adopted as the one best suited to the interests of India, its application being regulated from time to time by such discrimination as may be considered necessary by the Government of India with the consent and approval of the Indian Legislature.

After tracing the history of the question and a brief survey of the recommendations of the Fiscal Commission, the mover strongly advocated a policy of reasoned protection which would help rapid industrialisation in this country. Mr. Innes, on behalf of Government, moved the substitution of the following for the original resolution:—

That this Assembly recommends to the Governor-General in Council:

(a) that he accepts in principle the proposition that the fiscal policy of the Government of India may legitimately be directed towards fostering the development of industries in India ;

(b) that in the application of the above principle of protection, regard must be had to the financial needs of the country and to the present dependence of the Government of India on import, export and excise duties for a large part of its revenue ;

(c) that the principle should be applied with discrimination, with due regard to the well-being of the community and subject to the safeguards suggested in paragraph 97 of the Report of the Fiscal Commission ;

(d) that in order that effect may be given to these recommendation a Tariff Board should be constituted for a period not exceeding one year in the first instance, that such Tariff Board should be purely an investigating and advising body and should consist of not more than three members, one of whom should be a Government official, but with power, subject to the approval of the Government of India, to co-opt other members for particular inquiries.

The Commerce Member analysed the implications of his amendment and asked the House to realise that it meant the wiping off of the slate and that it would henceforward rest with the Legislature to decide what the new writing on that slate should be. He emphasised that the amendment marked an epoch in the fiscal history of India. Whereas, hitherto, the tariff had been a revenue tariff, the principle of protection as an integral part of its tariff policy was now being adopted by the Government. " For the first time," said Mr. Innes, " the Govt. of India ask the Legislature

to agree to the proposition that their tariff policy may legitimately be directed towards fostering the development of industries in India." But, he said, there was another side to the policy of the development of industries. There was the danger of political corruption and the danger of the formation of trusts. The possible effects of this policy in raising the prices could not be ignored; hence the need for discrimination. The interests of the agricultural classes had also to be taken into account and it was impossible to view without alarm the prospect of a substantial rise of prices following upon a development of policy of protection. "Nevertheless, we are prepared," Mr. Innes said, "to accept the considered conclusion of the Fiscal Commission that on the whole the right policy to adopt is a policy of discriminating protection." Dealing with the implications of the amendment, Mr. Innes claimed that the last clause was the most important and strongly supported the proposal for the formation of a Tariff Board. But "the House will recognise that a Government, placed as we are, are entitled in dealing with this important question, to lay down that the only safe and prudent course is to proceed with a proper measure of caution." Sir Campbell Rhodes supported the general conclusion embodied in Mr. Innes' proposition as the Associated Chambers of Commerce had come to the same conclusions on the matter as Govt. Mr. Townshend opposed protection for India but concluded by saying that he was "unwillingly forced to support this amendment, lest a worse thing befall us." Mr. Joshi questioned the wisdom of building a high tariff wall in order to protect an industry, and urged the need for greater caution in placing burdens on the poor. He attacked the Bombay capitalists in a fierce speech. Mr. Kamat hoped that the Tariff Board appointed by Government would enjoy the confidence of the Legislature and of the country at large and would be a properly constituted body. Sardar Bahadur Gajjan Singh made his remarks principally in the interests of agriculture. Mr. Seshagiri Aiyar regretted that Mr. Innes' amendment did not cover all the issues which had been submitted to the Fiscal Commission and moved certain amendments. Sir Basil Blackett in opposing the amendments asked the House to recognise the great advance that Government had made and not to cloud the issue by getting into a discussion of the details of the particular phraseology in which that advance was made. He accepted wholeheartedly the doctrine that it was India's right to decide what fiscal policy she shall have, and so long as he remained a Member of the Government of India he would wholeheartedly attempt to assist in the introduction of the policy which India has chosen. On the constitution of the Tariff Board the Finance Member advised the House not to interfere with the legitimate functions of the Executive by creating a

precedent which would be regarded as a mistake when the Executive became fully responsible at some future date to the Legislature. Mr. Shahani, Sir Devaprasad Sarvadhikari and Mr. Ginnwala also took part in the debate. Mr. Innes' amendment was eventually adopted in the place of Mr. Jannadas Dwardkadas' resolution.

#### Indianisation of the Army.

On February 17th the adjourned debate on Mr. Yamin Khan's Resolution on the Indian Army (see p. 253) was taken up. His Excellency the Commander-in-Chief made the following important announcement:—

"The Government consider that a start should be made at once so as to give Indians a fair opportunity of proving that units officered by Indians will be efficient in every way. Accordingly it has been decided that eight units of cavalry or infantry be selected to be officered by Indians. This scheme will be put into force immediately. The eight units to be wholly Indianised will be mainly infantry units, but there will be a proportion of cavalry. They will be chosen judiciously so as to include as many representative types as possible of Indian battalions and cavalry regiments of the Indian Army. Indian officers holding commissions in the Indian Army will be gradually transferred to Indianising units so as to fill up the appointments for which they are qualified by their rank and by their length of service, and the process of Indianising these units will then continue uninterruptedly as the officers gain seniority and fitness in other respects, which will qualify them for the senior posts. I have given the House these few details because I think they will be of interest as revealing some of the practical aspects of the change. There is one other point, however, which it is necessary for me to explain. It is that, simultaneously with the Indianisation of these selected eight units, Indians who qualify for the King's Commission will continue as at present to be posted to the other units of the Indian Army. The number of Indian cadets now sent to Sandhurst each year, if all pass out successfully, is more than sufficient to replace the normal wastage in the eight units alone. I draw attention to this matter as it is of significance which the House, I am sure, will not fail to appreciate."

Mr. Seshagiri Aiyar set the ball rolling in the direction of improving the original resolution. A large number of amendments had been tabled for discussion, but Lord Rawlinson's announcement cut short what might have been a prolonged and animated debate. Several members spoke, and although the announcement was not accepted as completely satisfactory, dissatisfaction being expressed by some members and the scheme being even characterised by some as half-hearted and uncomprehensive in as much as it did not contemplate the admission of Indians to all branches of the service, a distinct turn was given to the discussion. Mr. Kamat made a strong speech categorically asking what the rate of progress will be in the various units of the Army. There were 3200 British officers in the Indian Army. How many years (centuries?) would be taken for their replacement by Indian officers at the rate proposed? What again about Indianising the Artillery and the Air force? But leaders like Mr. Rangachariar and Dr. Gour seemed to have been

captivated by the announcement. It led Dr. Gour to add an expression of his gratitude to his original amendment asking for the formulation of a scheme for the steady increase of Indians in the commissioned ranks of the army with a view to ensure the officering of all Indian regiments by Indian officers with a minimum of British officers as might at present be necessary to ensure their efficiency. Col. Gidney in anguish cried what was the position of his community in the scheme of Indianisation? Mr. Burden in opposing the amendment on behalf of Government declared that the essential purpose of the debate initiated by Mr. Yamin Khan having been served and the situation having been altered by the announcement made, the Indianisation of the Indian Army having been asked for and having in some measure been conceded, it seemed to him that the amendment must necessarily fall to the ground. The amendment, when pressed to a division, was lost by 40 votes against 42. Mr. Seshagiri Aiyar's amendment asking for the publication of the correspondence on the subject was rejected and Mr. Yamin Khan's original motion was negatived by 22 votes against 43.

### The Council of State.

Another important Army debate was held in the Council of State which met on the 12th Feb. when Sir Dinshaw Wacha moved a resolution urging the necessity of repealing or substantially modifying the Army Amalgamation Scheme of 1859 in view of the intolerable burden of military expenditure of India. The resolution was supported by Mr. Purshotamdas Thakurdas, Mr. Lalubhai Samaldas, Lala Ram Saran Das and Lala Sukhbir Singh. In support of this reform, expert military and civil opinion was quoted against the unwise, expensive and inequitable scheme which was responsible for the deficit of 30 crores of rupees; and an appeal was made to Government to accept the resolution and thereby to free themselves from the shackles of the War Office to whose dictation, it was said, they were bound hand and foot. The Indian Army was under the thumb of the Military authorities of the United Kingdom who use the Indian Army to further Imperial projects, and for this the Indian tax-payer was saddled with the huge military expenditure, unparalleled anywhere in the modern world. Sir Dinshaw who had made life-long study of Military finance made a strong speech. The fact is that under the existing system a very large portion of the British reserves is built up at the expense of India and the arrangement is very economical and convenient to Britain. But constituted as the Council of State is Govt. did not find it difficult to defeat Sir Dinshaw's motion by 16 votes to 12. His Excellency the Commander-in-Chief in reply pointed out that if the Government of India were to maintain a separate British force of their own

for special and continued service in India it would be very much more costly and far less efficient than the employment, as at present, of regular British regiments which came to India for a tour of duty on the same rates of pay as they received while serving in the United Kingdom. His Excellency refused strongly to accept, as he spaciouly said, a lower standard of efficiency than that at which the Government of India had hitherto aimed.

The next two days the Council considered the bills already passed in the Assembly and the business was purely formal. On February 16th non-official business was taken up. There were three important resolutions on the agenda.

#### Industrial Finance.

On the question of Industrial finance Mr. Kale moved a resolution that effect be given, at as early a date as practicable, to the recommendation of the Indian Industrial Commission regarding an inquiry at the hands of an expert committee into the question of industrial finance and industrial banks. In moving this resolution Mr. Kale referred to the difficulties experienced by industrialists in obtaining capital for starting and running their industries and urged that an expert committee alone could investigate the whole matter and recommend suitable means for advancing and helping the indigenous industries. The resolution was supported amongst others by Raja Sir Harnam Singh, Khan Bahadur Ibrahim Haroon Jaffer, Nawab Major Mohamed Akbar Khan and Mr. Purshotamdas Thakurdas. Mr. Chadwick, though he did not oppose the resolution, pointed out the difficulties, and stated what the several Local Governments had done in the matter and concluded by saying that the Government did not want to raise false hopes that they would be able to put forward funds freely to start such banks or to give loans to industries, nor did they want to lead people to think that now they were going to get money on terms business-men would consider cheap. The resolution was, however, accepted by the House without a division.

#### Compulsory National Military Training.

The next resolution was made by Mr. Phiroze Sethna that "the system of compulsory national military training and service be introduced in any form suited to the condition of the country and that a committee with a non-official majority be appointed to report as to the manner in which this object may be attained." The mover emphasised the necessity of preparing Indians fully and quickly to assume the responsibilities of national defence and pointed out that such preparation was essential to the establishment of responsible government. He was ably supported by Mr. Khaparde, Lala Ram Saran Das, Raja Sir Rampal Singh, Mr. Purshotamdas

Thakurdas, and Sir Dinshaw Wacha. His Excellency the Commander-in-Chief, as was natural, opposed the proposal which he characterised as grotesque; while sympathising with the ideas expressed, he asked the Council to consider the practical problem embodied in the resolution, and observed that the adoption in India of a system of compulsory military training and service was both impractical and unnecessary. Was it not unnecessary when the British were here to protest? His Excellency further argued that the proposal was not consistent with India's membership of the League of Nations and the responsibilities and obligations which attached to such membership. Moreover, at the present stage of its history when the world was endeavouring to recover from the results of a devastating war, when the desire of all should be towards the maintenance of the general peace, His Excellency enquired if it would be consistent with her international ideals for India to be contemplating a proposal of this nature! Sir Dinshaw Wacha asked why Govt. should always oppose every resolution brought by the non-officials? That, he said, was an attitude of nihilism like that of the non-co-operators. Sir Umar Hayat, Chaudhri Lal Chand and Major Nawab Akbar Khan opposed the resolution along with Govt. which was lost by four votes.

### Census of Production.

The third resolution about the industrial wealth of the country formed the subject of a resolution in the Council of State which was moved by Sir Dinshaw Wacha on the 16th February recommending the great importance, economically and financially, of taking a census of production for British India every ten years; but it was disposed on the 19th. Mr. Chadwick on behalf of the Government accepted the principle of the resolution and stated that the whole of the statistical publications were at present under review and the Government would do their best to bring them together and publish them in such a form as Sir Dinshaw required so that they might approximate towards a census of production. The resolution was carried without a division.

### The Legislative Assembly

On February 19th the most important matter discussed was the Racial Distinctions Bill. Sir Malcolm Hailey in moving it was in his best form, and some 10 members participated in the discussion which was characterised by a spirit of compromise on every side. Mr. Agnihotri's amendment to exclude Colonials from being regarded as European British Subjects evoked some heat. Mr. Rangachariar wanted to evade the point and be magnani-

mous and Dr. Gour thought that considering our helplessness discretion was the better part of valour. Before such an attitude of even leading Indian members, not to say of the Government, the mover had to withdraw his amendment. Some 30 out of 78 amendments were disposed of and the rest stood over.

### Non-Official Bills

After three days of unusually interesting business the Assembly met on the 20th Feb. to transact non-official bills of which there were no less than 10 on the agenda. Moulvi Abdul Kasim championed the cause of mukhtars and his bill was allowed to go before a select committee. Dr. Gour then introduced his bill for defining the liability of minor son in regard to his father's antecedent debt, but it was thrown out by 27 votes to 34. A different fate awaited his next proposal to remove the disqualification against women legal practitioners in India. From the chorus of approval only the conservative muslim opinion abstained, but it was found to be extremely localised and the bill was finally referred to a select committee. Mr. Muhammed Yamin Khan's proposal to register money-lenders was thrown out after an effective speech by Mr. Haigh. Mr. Yamin Khan mentioned one instance of Rs. 400 swelling into nearly 67 lakhs and another of Rs. 350 into over seven lakhs. Mr. Neogy whose motion was for leave to introduce a bill for the repeal of the Workmen's Breach of Contract Act of 1859 made out a strong case for his bill, but it was opposed by Government on the ground that it was absolutely necessary in certain cases, such for instance as Sukkur barrage scheme whose progress depended on labour imported from long distance. The mover was willing to accept the Government's assurance to repeal the Act in 1926 provided the bill was introduced this year. But Mr. Chatterji on behalf of Government refused to commit himself to that condition and the motion was voted upon and declared lost. The last item on the agenda was Mr. Lathe's bill to modify and codify the law relating to inter-caste marriages among Hindus. Sir Henry Moncrieff Smith held it would be a pure waste of time and advised the mover to mark time till the House had given its judgment on Dr. Gour's bill. The motion was lost by 19 votes to 38.

On February 21st the Racial Distinctions Bill was taken up and passed with only one non-official amendment regarding whipping which was passed against Govt. by 48 votes to 34. This amendment proposed by Mr. Agnihotri was to permit appeals in cases of whipping.

On this day a long statement was made by Mr. Tonkinson showing the action taken by the Govt. on certain resolutions passed by the Assembly, especially with regard to the Indian Army.



## Provincial Contributions.

February 22nd was again the non-official day. A resolution based upon the disappointment felt at the non-fulfilment of the full hopes entertained from the reforms was moved Mr. M. K. Reddi recommending that steps be taken immediately to set apart some revenue for the purpose of wiping out all contributions from the provinces in the course of six years. Mr. Reddi referred to the emphasis with which the Joint Committee had said that for the very successful working of the reforms the provincial contributions must go, and he pleaded in the interests of the provinces, which had suffered seriously in the past, that a determined effort should be made by the Central Government. Mr. Reddi was supported mainly by members from Madras and the Punjab while members from Bombay opposed the motion as inopportune in view of the forthcoming budget. Sir Basil Blackett assured the House that the Government of India had been steadfastly endeavouring to shape its policy towards the reduction and the eventual extinction of the provincial contributions, but the first duty was to balance the central budget and the Finance Member urged that it was their duty to direct their attention first and foremost to their primary duty of balancing their own budget, being quite sure that that would essentially be the first step towards the reduction and the eventual extinction of the provincial contributions. He contended that the moment was not convenient for the Government of India, in view of the forthcoming budget, to express its views on the subject of the provincial contributions and suggested that the discussion should be adjourned. The Finance Member's motion was adopted by 53 votes against 36. The debate exhibited a remarkable degree of inter-provincial jealousy over this matter.

## Indians in Kenya.

Mr. Girish Chandra Nag then moved his resolution claiming full and equal rights of citizenship for Indian settlers in Kenya and expressing indignant protest at the threats of the White settlers to resort to violence if those rights were conceded. The debate was a comparatively short one, partly because it was not productive of controversy, but mainly because of Mr. Rangachariar's motion, which was next on the agenda, to express the extreme dissatisfaction of the Assembly at Lord Peel's despatch on the grant of further reforms. But there were two notable speeches by Dr. Gour and Mr. Jamnadas Dwarkadas before the hon. Mr. Sarma closed the debate with a declaration of the Government's attitude. The resolution was carried, Government benches being silent. But Dr. Gour was persistent in forcing the Government to be positive,

and ultimately it was agreed that the vote be recorded as unanimous. In the Upper House the same matter was discussed on March 5th (see p. 277).

### The Despatch on Further Reforms.

Then came Mr. Rangachariar's motion to express the Assembly's extreme dissatisfaction at the reply contained in the Secretary of State's despatch to the demand for granting further reforms. Mr. Rangachariar did not see why Whitehall, realising the impossibility of Governing India from London, should not delegate its authority to Delhi. The Assembly had demonstrated its fitness to deal with the whole budget. He did not ask for reconsideration of the Secretary of State's position and the resolution was intended only to express the extreme dissatisfaction of the Assembly. Munshi Iswar Saran desired to be outspoken. He meant to imply no threat in saying that the country was determined to reach Dominion Status in the shortest possible time and to delay her advance was dangerous to the maintenance of British connection. Sir Devaprasad Sarbadhikari followed in a similar strain, but Mr. Moir was plainly shocked by the blasphemous references to Whitehall. Was not the Secretary of State, he asked, a member of His Majesty's Cabinet, and was it good for the Assembly to get into the habit of regarding him an obstructor? Mr. Allen from Assam, ordinarily a silent member, entertained the House with a speculation on Gandhi Raj, Bismark's view on German Empire and the fiscal policy of India and similar nonsense. Dr. Gour helped to enliven the proceedings by quoting, in answer to the Home Member's challenge, from the Indian Hansard to prove that Sir William Vincent was himself a party to the Assembly's demand for more reforms. At this stage Mr. Rangachariar made it clear that his motion was not intended to be a vote of censure on the Secretary of State but only expressed their dissatisfaction. The debate however was adjourned *sine die*.

On February 24th the Assembly sat only for a short time to pass the Cotton Cess Bill and the Official Secrets Bill. The Income Tax Amendment Bill was introduced. Next day the long drawn Cr. Pr. Code Amendment Bill was at last passed, and the White Slave Traffic Bill was considered. On the motion of Sir Campbell Rhodes the Indian Stamp Act Amendment Bill was not taken up, Government being defeated on the motion, and Sir Campbell's proposal to circulate it for opinion was carried. On February 27th the Workman's Compensation Bill as amended by the Council of State was passed. On this day the great Railway Debate mentioned on p. 263 occupied the House for almost the whole day.

This closed the business for February. The Budget was presented on March 1, 1923 (see pp. 281-292).

## The Council of State

FEBRUARY—MARCH 1923

Some very important non-official resolutions were discussed in the Council of State in the last week of February. On the 20th the Workmen's Compensation Bill was passed clause by clause. On February 21st three non-official resolutions figured on the agenda, the most important was as follows :—

### Change in Rules of Business.

Mr. Sethna moved that steps be taken to modify Rules 23 (1) of the Rules of Business for the Council of State and the Legislative Assembly and the corresponding Question Rule so as to permit the Indian Legislature to take cognisance by resolutions and questions on matters, as for example the Princes' Protection Bill, on which the Government of India had already undertaken legislation. He contended that the right of interpellation should be co-extensive with that of legislation. By passing the Princes' Protection Bill the Council had taken cognisance of matters affecting the relations between the Government of India and the Indian Princes, and yet, Mr. Sethna complained, under the existing rules members were prevented from moving resolutions or putting questions on such matters. Sir Muhammad Shafi who spoke on behalf of the Government pointed out that the relations of the Government with Indian States were governed not by legislation but by treaties and declared that it was inconceivable that any legislation would ever be introduced by the Government on matters affecting relations with a Foreign State ; he therefore failed to see any occasion for the proposed modification of the rule but assured the House that at the proper moment the Government would consider the desirability of modifying the rule on the lines suggested. The motion was thereupon withdrawn.

### Resolution on Arms Act.

Mr. Raza Ali moved for a committee to enquire into the administration of Ajmer-Marwara, whether the political aspirations of the people of the province were capable of attainment, and to enquire into the desirability of amalgamating the province with a larger one. But the mover withdrew it on Government promising to open negotiations with the U. P. Government. The next resolution was moved by Mr. Sukhbir Singh for immediate effect being given to the majority report of the Arms Rules Committee with certain modifications but the consideration of the matter was postponed till February 26th when the debate was resumed. On this day Mr. Sukhbir Singh moved an omnibus resolution requiring exemption

from Arms licence of all Provincial Council Members, all Barristers, Pleaders, Vakils of five years' standing, and all University teachers and graduates of 7 years' standing. He wanted the majority report to be at once put into operation. But Government opposed both the propositions, and at last the resolution was put and lost by the Government block.

On February 27th after some official bills passed in the lower House had been passed, the Council took up for consideration the non-official bill to "amend the law relating to hereditary priests to claim emoluments in respect of religious ceremonies" as passed by the Assembly. After a series of motions for amendments the operative part of the bill itself was thrown out by a majority of the non-officials, the officials remaining neutral, and the whole bill was accordingly rejected. This was the first time that a bill passed by the Assembly was thrown out by the Upper House.

#### Indians as Govt. Secretaries.

On the 28th February Mr. Sastri moved :—

"This Council recommends to the Governor-General in Council that in order to give Indian members of the Indian Civil Service an insight into the large problems of Imperial administration and policy, he would be pleased to appoint, so far as possible, at least one such officer as Secretary, Joint Secretary or Deputy Secretary in every Department of the Secretariat of the Government of India."

Mr. Sastri complained that during the last 20 years only 3 Indians belonging to the Indian Civil Service had come into the Secretariat and 2 of them had been there for very short periods. He referred to the Preamble to the Government of India Act, gave figures showing the number of Indians eligible for such appointments, and vainly pleaded for a fulfilment of the pledge Government had given to prepare Indians as rapidly as possible to sustain their own self-Government. Mr. Raza Ali moved an amendment so as to enlarge the scope of the resolution in order to include Indians generally. Mr. Crerar in his reply contended that there was really no divergence in principle between the views expressed by Mr. Sastri and the views entertained and acted upon by the Government of India. But Govt. must adhere scrupulously and strictly to the principle of selection on the basis of proved merit and ability, implying that Indians had less merit. Moreover, the adoption of such a rule would undoubtedly trench upon the reasonable and proper interests of the European members. The cat was at last out of the bag! The Home Secretary proposed the following amendment :—

"This Council recommends to the Governor General in Council that in order to give Indians an insight into the larger problems of Imperial administration and policy, they should be afforded wider opportunities to become qualified for

appointment for the posts of Secretary, Joint Secretary or Deputy Secretary in all departments of the Secretariat of the Government of India."

Once more the Upper Chamber refused to be gulled by the Govt. statement. Mr. Crerar's amendment was thrown out by 13 votes against 19 and Mr. Sastri's resolution, as amended by Mr. Raza Ali, was adopted without a division in the following form :—

"That this Council recommends to the Governor-General in Council that, in order to give Indians an insight into the large problems of Imperial administration and policy, he would be pleased to appoint, so far as possible, at least one Indian as Secretary, Joint Secretary or Deputy Secretary to every Department of the Secretariat of the Government of India."

This closed the business for February. On March 1st the Budget was presented (Pp. 281-292). Of the important non-official resolutions of March may be mentioned the following :—

#### Duty on Petrol.

On March 5th Mr. Sastri's Kenya resolution created a stir in the Upper House. On this day the first motion was Mr. Ramsaran Das's for a duty on Benzin and Petrol exported from Burma to foreign countries. This was first moved on the 19th February and was postponed till after the budget and the debate was now resumed. Mr. Kale moved an amendment that the duty be not less than six annas a gallon. Government opposed it obviously for the benefit of the Companies. Mr. Sethna pointed out the huge fraud that was being perpetrated by the Petrol companies, but Government stood to its guns and the motion fell.

#### The Resolution on Kenya.

Next came Mr. Sastri's resolution on Kenya. He moved :—

"This Council recommends to the Governor-General in Council that he be pleased to convey by telegraphic message to His Majesty's Government the view of this Council that no settlement regarding the political rights and status of Indian settlers in the Crown Colony of Kenya would satisfy the people of India unless Indians in Kenya are granted full and equal rights of citizenship with European settlers; and this Council records its indignant protest at the reported threats of violence on the part of the latter and fully trusts His Majesty's Government will take effective steps to prevent any such outbreak and to afford Indian residents the necessary protection; and this Council records its emphatic conviction that no restrictions on new immigration from India will be acceptable to public opinion here." At the outset he drew a distinction which was not commonly understood. He said the Imperial Conference resolution recognising the right to determine the composition of the population related only to self-governing Dominions of the Empire. The case for a Crown

Colony like Kenya rested on grounds of equality and this equality Indians in Kenya claimed only by stages. In the first place they did not ask for universal suffrage, nor that the Legislative Council of Kenya should be composed of Indians according to their numerical strength. They were content if the number of Indians was less than half. Thus they only wanted a very partial fulfilment of the rights of equality. And yet there was a good deal of agitation by European settlers who had imbibed the spirit that prevailed in South Africa, namely, no equality to Indians, expulsion of Indians if possible and, what is more, a union of East Africa with South Africa. When they threatened violence in case equality was granted, they were not merely bluffing but were earnest. 'Our people (Indians) whether in India or abroad have shown such humility and modesty, such respect for law and order, such patience even under the greatest provocation that what an American lady told me recently is perfectly true, namely, that we 'Indians are the only Christians on the face of the earth.' After a good deal of angry talk which the Govt. Member tried his best to calm down, the resolution was put and carried.

#### Cr. Pr. Code Amendment Bill.

Next day, March 6th, was taken up by the Cr. Pr. Code Amend. Bill as passed by the Assembly. Govt. tried to carry out their threat to the Assembly that the clause turned down by the latter (p. 265) would be brought before the Upper House and passed, but at the timely intervention of Mr. Samaldas the bill was postponed for a joint conference between the two Houses of the Legislature and Govt. to come to an amicable settlement.

#### Modification of Electoral Rules

Two important questions connected with elections to the Indian Legislature were raised by Mr. Raza Ali in the Council of State. On the 12th March he moved a resolution recommending "that early steps be taken to amend the electoral rules so as to enable a member of this Council to seek election to other legislative bodies constituted under the Government of India Act, 1919." Mr. Crerar, in his reply, analysing the resolution, said that it raised three cases of importance, (1) the candidature of a member of either chamber of the Indian Legislature for the other chamber, (2) the candidature of a member of a local Council for either chamber of the Indian Legislature, and (3) the candidature of a member of either chamber of the Indian Legislature for a local Council. With regard to (1) and (2) Mr. Crerar observed that the Government were disposed favourably to consider an amendment of the rules. As regards (3) he pointed out the difficulties and opposed the proposed amendment.

He urged the Council not to commit itself to a proposition which could only arise in very exceptional circumstances, but which would nevertheless have the consequence of effecting a very great measure of derogation in the status and dignity of the House. The resolution was by leave withdrawn.

### Eligibility of Political Offenders.

On the 14th March Mr. Raza Ali again moved for an amendment of the electoral rules so as to make a person convicted of a political offence, involving a sentence of imprisonment for more than six months, eligible for election to any legislative body constituted under the Government of India Act. He urged that the Indian law in this respect should, as far as possible, be brought into conformity with the English law and that it was not fair that persons who had been sentenced for any period exceeding six months should have to wait for five years after their release in order to become eligible for election, when in England their eligibility commenced from the moment of their release. The change in the political atmosphere in India, Mr. Raza Ali thought, had rendered a change in the rules all the more expedient. He instanced the case of such 'past rebel' as Sir Surendranath and Lala Harkishenlal, who were then Ministers of the Crown! The debate revealed a curious division of non-official views. Sir Maneckjee Dadabhoy vehemently attacked the non-co-operators for whose benefit, he said, the resolution was brought. The N-C-Os had shown no repentance, and they detested the Councils. "Was this the class of people," he exclaimed, "for whom this Council of Elders should extend their sympathy"? Sir Maneckjee Dadabhoy, Chaudhri Lal Chand, and M. Nawab Muzammil-ullah Khan opposed the resolution; Sir Zulfiqar Ali Khan supported it; the Raja of Dighapatia urged that all restrictions in the matter of election should be done away with so that men of all shades of opinion might be able to come into the Councils; and Mr. Kale regretted that the resolution was not more comprehensive. Mr. Crerar questioned the mover's authority to plead on behalf of the party principally concerned, pointed out the difficulties in the practical application of the proposal such as the interpretation of expressions like "political offence," "political offender," "offence of a political nature," "moral turpitude" and the distinctions between the conditions in which English electoral law operates. He doubted the wisdom of a change intended to benefit people among whom one school treated with the utmost contempt all forms of legislature at present constituted and the other was willing to enter the legislatures but for the sole purpose of paralysing them. In his final reply, when winding up the debate, Mr. Crerar however

informed the House that the question was already 'engaging the serious attention of the Government' The motion was defeated.

#### Purchase of Stores.

On the Purchase of Stores a heated debate took place on this day (March 14th) when Mr. Kale moved for effect being given to the recommendations of the Stores Purchase Committee regarding the gradual reduction and reconstitution of Indian Stores department in England and development of the Stores department in India with a view to expand the scope of work of the latter and to render it thoroughly efficient. He quoted the recommendation of the Stores Purchase Committee that gradually full control over the details of Stores Purchase Rules should be transferred to the Govt. of India so that stores of suitable quality be purchased at a reasonable price, preference being given to articles of Indian origin. The committee had also recommended that eventually the Stores department in London should only be a branch of the Stores department in India. But the work of the Stores department in India had not been developed and the system adopted was such as would not conduce either to economy or efficiency. The business of the Government here in India was to exploit this country and so Government wanted more time and go on temporising and asked the mover to withdraw the resolution after lavishing their wonted promises. Sir Dinshaw Wacha strongly objected to a postponement of the discussion. He condemned the whole of the Stores department in the India Office as a waste department. The Secretary of State was putting pressure on the Government of India in order to see that the latter did not encourage Indian industries but British manufactures. 'I object to Government members asking non-officials who bring resolutions to withdraw them every time that resolution is in the interest of retrenchment. The Stores department, I am convinced, is a waste department. The waste has been going on for the last several years and my patience is exhausted.' Eventually, however, on the pressure of Govt. the matter was postponed *sine die*. (See also p. 258).

On March 15th the Council passed the Sambalpur Districts Bill which declared that the forced administration of certain districts of Sambalpur shall not be called in question as they were backward tracts. Then the Bill relating to traffic in White women passed by the Assembly was taken up and a curious procedure was followed by Govt. in going back on the vote of the Assembly and referring the question of age-limit which was fixed at 18 to local Govts. and the public again. The Govt. member said, "if the decision of the Assembly was always to be sacrosanct, then, what was the use of the Council of State?" Mr. Sastri objected to the unconstitutional



procedure of the Govt., but none the less the measure was passed so that the matter was again to be circulated for opinion, although the Assembly had passed it:

After March 15th all interest was centred in the Finance Bill (for the debate on this, see pp. 282-290) and many non-official members either through misapprehension of the situation or design left Delhi. When the Council met again on the 21st, Government announced that the Finance Bill, which had been amended by the Assembly with the deletion of the provision for the Salt tax, had been recommended *in toto* by the Governor-General and was to come before the House on the 23rd so that it may be passed with the Salt duty at Rs. 2-8 as originally proposed by the Government. The effect of this announcement was that a deputation of 3 members of the Council, including Messrs. Sastri, Raza Ali and Sir Maneckjee Dadabhoi, was hastily sent to meet the Finance Member and request him to make a settlement with the Salt duty at Rs. 2-0 per maund and a surcharge of half-anna in the rupee on customs and income-tax collections to cover the deficit. The deputation, however, came back disappointed as Sir Basil refused to reconsider the position. On March 23rd the Council passed the Finance Bill by 28 to 10. The last business sitting of the Council was held on March 26th when the Mahendra Pratab Estates Bill, the bill to allow women to practise in law and the bill to consolidate the Merchants' Shipping Act were passed. Business for the session was now over but the President could not adjourn the House as there was grave uncertainty as regards the fate of the Finance Bill. The same day the Assembly threw out the Bill as passed by the Upper House, and next day, March 27th, the Council reassembled evidently anxious to hear the Governor-General's decision in respect of the Salt tax. There was no agenda before the meeting, but the Secretary read out the message received from the Assembly stating that the amendments made by the Council of State to the Bill had not been agreed to by that House. Government promised to make a statement at 5 P.M. and the House adjourned till that hour to hear the final decision of the Governor-General. When the Council met again at 5 P.M. the Government member said that he had no further information to give and so the President adjourned the Council till the 15th day of July in Simla.

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# The Legislative Assembly

MARCH SESSION 1928

The BUDGET was presented on March 1st. (see p. 281). It showed a deficit of Rs. 17.5 crores for the current year, and anticipated a deficit of Rs. 4.25 crores next year. This last was proposed to be covered by taxation: and what could be most conveniently taxed? Why, Salt! The Inchcape Committee's recommendations for retrenchment were not wholly acceptable to Govt., and even such ruinous and futile operations as at Waziristan had Rs. 4.25 crores allotted. This made up the total of Rs. 30 crores spent in 3 years in military operations in the Mahsud country! This feature in the Budget was greatly commented upon by the Press and the Salt tax was the most hated of all.

The Assembly next met on the 5th March for the general discussion on the Budget (see p. 283). On March 9th the Assembly passed three official motions, one asking the Assembly to agree to the amendments introduced into the Racial Distinctions Bill by the Upper Chamber, the second proposing that the White Slave Traffic Bill as amended by the Council of State be passed, and the third recommending to the Assembly to accept the draft notification for opening emigration to Mauritius for one year.

The Assembly had an uncomfortable quarter of an hour when the Racial Distinctions Bill came back with some formal amendments. But one went beyond that category, the Council of State having negatived at Govt.'s instance the Assembly's decision regarding appeals in cases of whipping. The House, anxious to avoid embarrassment, sent the Bill through without discussion or change.

The Draft Notification, previously published by the Govt. regarding emigration of unskilled labour to Mauritius was next discussed. Mr. Hullah moved a resolution asking for the approval of the House to the terms and conditions specified in it. The Draft Notification made the emigration of unskilled labour to Mauritius for a period of one year lawful, limited the number of adult male labourers which might be recruited within the period to 1,500 and laid down conditions which included the fixing of a minimum wages by the Government of Mauritius in consultation with the Government of India or their agents so that a labourer might obtain the cost of living for himself, his wife and three children besides reasonable margin for savings, failing which he would be entitled to be repatriated at the cost of the Mauritius Government to the place of recruitment. Mr. Rangachariar moved the popular view that the consideration of the Draft Notification be postponed pending the investigation on the spot by an official of the Government of

India as to the probable effects of the emigration of fresh labour into the colony on the Indian labour population already settled there ; while Mr. Agnihotri recommended an enquiry by a committee. Mr. Sarma observed that all that the Government were asking the House to do was to accept the principle and to leave the working out of the principle to the Executive Government, but the latter refused to be bound down to a particular policy. Both the amendments were withdrawn and Mr. Hullah's motion was carried without a division.

### Communal Representation.

March 10th was a day ear-marked, so it seemed, for discussion of communal rights and representation. A good deal of communal bitterness was witnessed in the Assembly and the Govt. benches, as Sir Malcolm said, sat and watched the internecine warfare in abashed merriment. Mr. Wali Muhammad Hussanally wanted to abolish all reservation of compartments on railways for particular communities. Govt. failed to carry out even the compromise which he had suggested regarding reservation in third and inter class compartments. Racial distinctions were still being maintained and led to ill-feeling. Messrs. K. N. Mitter (official) and Abdul Kasem thought that they were much better with the reservations going. Mr. Abdul Kasem and Mr. Hindley, Commissioner for Railways, thought it was just a practical question of avoiding mutual irritation between passengers thrown together for long distances. The motion was eventually withdrawn.

Mr. Moppil Nayar then moved his resolution introducing the principles of communal and provincial representation in appointments made by the Government of India with due regard to efficiency, education, ability and integrity. Preference was to be given to those classes of communities not adequately represented in the service. Mr. Abdul Kasem was strongly for the new policy. The Lucknow compact had made the introduction of self-Government possible. This was an extension of the compact to other communities. But he was clear about one point : no Indianisation either of the services or of the army without communal representation ! Sardar Bahadur Gajjan Singh was not going to allow the case for the Sikhs to go by default. They were rulers of the Punjab 80 years ago, but now where were they ? It was Sir Michael O'Dwyer, he ventured to say, who saved the community from being ignored under the Reforms. Sir Devaprasad at last proposed an amendment that overweighting of the public services by any community be prevented. Sir Malcolm Hailey in supporting the amendment and opposing the resolution put the issues before the House with admirable lucidity. Chaudhri Shahabuddin, a supporter of communal representation, suggested a proviso to Sir Devaprasad's amendment that as far as possible the

claims of *all* communities and provinces should be considered. The resolution as amended by Sir Devaprasad with Chaudhri Shahabuddin's proviso was ultimately adopted.

#### Votable and Non-Votable items.

On March 12th began the voting of money grants which lasted the whole of the week. At question time an important information was elicited regarding the motions of the House. Replying to Mr. Harchandrai, Mr. Chatterjee said the Government forwarded to the Secretary of State on the 8th February the motion of adjournment passed by the Assembly on the appointment of the Royal Commission. As the commission was appointed by His Majesty's Government he could not say whether any action would be taken on it. The other part of Mr. Harchandrai's question, which raised the question of the relative effect of such censure motions in Delhi and Westminster, was answered by the President who said that under the rules the action of the Assembly in carrying the motion of adjournment would be taken either as an evidence of the serious view of the majority of the House regarding a particular matter or as a possible vote of censure on the Government. The adjournment motion had the same motive and purpose as a similar motion in the House of Commons, but it did not have the same effect here because in the House of Commons the Government of the day might regard the passage of such a motion as the loss of Parliamentary confidence and might have no other course except to resign but, as far as he was aware, the Government of India would not resign.

After a few nominal cuts had been proposed and withdrawn, Mr. Manmohandas Ramjee moved a lump reduction of four lakhs from the provision for customs. Mr. Samarth drew the attention of the House to the fact that the Retrenchment Committee had recommended a cut under customs of Rs. 47,000 on the basis of the 1922-23 figures and that, therefore, according to the Incheape proposals, the budget estimate for the next year ought to have been Rs. 72,27,000 while it was Rs. 76,50,000, thus exceeding by Rs. 3,76,000 the estimated figure which the Incheape Committee recommended. He objected to incurring about four lakhs of additional expenditure.

When the motion of Mr. Ramjee for a cut of four lakhs was put, it was carried by the narrowest division, with a majority of one, the voting being 52 for and 51 against. The announcement about the division was greeted by the non-officials with applause.

Sir Basil Blackett immediately rose to sound a note of warning. He made it perfectly clear that the cut introduced by the House could not be carried out without reducing the customs revenue and he might perhaps have to lose a crore in customs revenue if he were to proceed to make the proposed reduction. He, therefore, hoped

that the House would not consider that the cut of four lakhs would in any way reduce the deficit.

Income too was next tackled and Mr. Rangachariar proposed a cut of Rs. 2 lakhs, but on voting Govt. won by 1 vote, just as in the previous item (Customs) they were defeated by one vote.

On March 13th the Assembly first took up the demand of Rs. 64.48 crores under Railways. The debate on the working expenses of railways was started by Mr. Ginwala with a motion for reduction by four crores. Sir Montagu Webb opposing sounded a note of caution in accepting the cuts proposed by the Incheape Committee who had strongly castigated the Railway administration. The Commerce Member made an earnest appeal to the House not to embarrass the Government by a cut which could not be effected without dislocating the railway administration altogether. After Mr. Rangachariar had asked for more light on the manner in which retrenchment had been effected, Captain Sassoon took up Mr. Innes' challenge to regard the railways as a business proposition. The Bombay mill-owner was very effective. He had a lady friend who preferred to darn her silk stockings to buying fresh ones. That was the policy he recommended to the Railway Board. Mr. Joshi warned the Government against a policy of retrenchment from below. Ultimately Mr. Hindley accepted on behalf of Government Sir Devaprasad's proposal of a reduction by fifty lakhs. This was then voted upon and carried by 67 votes to 27.

#### Voted and Non-voted items.

Mr. Joshi then moved for a cut of one rupee from the provision for annuities and sinking funds under Railways. Sir Basil Blackett raised a point of order as the item under discussion was a non-voted one. The President held that the reduction could not be moved. Dissatisfaction was felt by several members at the ruling and it was feared that the convention which had grown up during the two previous years' discussions on the budget of raising points of importance under non-voted heads by moving nominal reductions on voted heads was being destroyed. This matter was set at rest on the 12th by a statement by Sir Malcolm Hailey in the course of which he observed :—

" . . . . . but may I suggest, in view of the terms in which the Governor-General's Order regarding discussion of non-voted items is couched ; in view also of our previous procedure, that without in any way altering your previous decision, and without prejudice to any final decision that you may come to on the subject, it would be possible for you, during the next few days to allow the House as an interim arrangement purely and without prejudice to the future, to discuss on nominal cuts relating to votable expenditure general questions relating to non-voted expenditure."

The suggestion was agreed to and the procedure suggested by the Home Member was followed during the remainder of the discussion on demands for grants. Large cuts were moved including one for Rs. 1,14,00,000 under Railways, from an entry of Rs. 1,21,00,000 proposed by Mr. Rangachariar, who contended that "by providing for interest for one year" this amount would be reduced to Rs. 1,14,00,000 and the Government would "find a method of recouping the expenditure." "It is only a pen transfer," said Mr. Rangachariar, "which can be done in a second and without any effort they can find this money." In opposing this cut Sir Basil Blackett declared that this was an attempt to take a balance which would do much more damage to India's credit than a deficit—it was nothing short of an invitation to Government to misappropriate. But nothing daunted the House supported Mr. Rangachariar. The cut was carried by 67 votes against 37. It was restored on the 17th by the Governor-General in Council on the specific ground that it could not be made consistently with the discharge of his responsibilities. Other large cuts made by the Assembly were, besides the 4 lakhs under Customs, and 50 lakhs under Railways, 5,10,000 under general administration and 3 lakhs under miscellaneous. The last cut referred to the cost of the Royal Commission recently appointed for the Higher Services. Munshi Iswar Saran moved the cut on the 17th March. He was supported by Dr. Gour, Mr. Dwarkadas and other leading members but Sir Sivaswamy and Mr. Samarth struck a different note. The former took the Commission as a *fiat accompli*, the latter blessed it as likely to benefit India, and both remained neutral during voting! The motion of reduction was passed by 46 votes to 45. Of these only the last item representing the cost of the Public Services Commission was again restored. But the Finance Member said that he must include in the Budget figures of estimated expenditure a special provision of 9 lakhs representing probable supplementary estimates in view of the fact that the Government felt unable to promise that they could actually effect the cuts made by the Assembly under the other heads mentioned.

#### Scheme of Army Indianisation.

On March 14th, in reply to a question of Mr. Seshagiri Aiyar, the Army Secretary laid before the House an important statement detailing the scheme of Indianisation of the 8 Army Units recently announced. The scheme which was to ripen in 23 years is as follows:—

1. The units selected for Indianization are—  
7th Light Cavalry, late 28th Light Cavalry, Madras.  
16th Light Cavalry, late 27th Cavalry Madras.

2-1st Madras Pioneers, late 64th Pioneers,

4-19th Hyderabad Regiment, late 98th Infantry, Hyderabad.

5th Royal Battalion, 5th Mahratta Light Infantry, late 117th Royal Mahrattas.

1-7th Rajput Regiment (Q. V. O. L. I.), late 2nd Q. V. O. Rajputs.

1-14th Punjab Regiment, late 19th Punjabis.

2-1st Punjab Regiment, late 66th Punjabis.

2. An Indian Infantry battalion has the following establishment of King's commissioned officers :—

Appointment.	Rank.	No.
Commandant ...	Lieutenant-Colonel or Colonel ...	1
Second in Command ...	Lieutenant-Colonel or Major ...	1
Company Commanders ...	Captain or Major ...	4
Company Officers ...	Lieutenant or Captain ...	4
Adjutant ...	Ditto ...	1
Quartermaster ...	Ditto ...	1

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The posts of Adjutant and Quartermaster are filled by selection from officers of the unit. Generally speaking, the most efficient of the senior subalterns fill these posts. The establishment of King's commissioned officers of a cavalry regiment is on lines closely similar to the above. The designation of certain of the appointments is different; for example, a Squadron Commander and a Squadron Officer in a cavalry regiment correspond to the Company Commander and the Company Officer of an infantry battalion.

King's commissioned officers in the Indian Army receive promotion up to and including the rank of the Lieutenant-Colonel according to a time scale, subject, in the case of each step, to certain prescribed examinations being passed. A King's commissioned officer should normally enter the Indian Army in the rank of Lieutenant at the age of 20 years. He receives promotion to Captain after 9 years' service, to Major after 18 years' service, and to Lieutenant-Colonel after 26 years' service. Details of the retention and promotion examinations which have to be passed are given in Appendix A to this statement. In addition to the prescribed tests and qualifications exacted from each individual officer, there are certain other subjects, included in the training of the soldier in which a proportion of officers of every regiment must be specially trained; for example, physical training athletics, gymnastics and mental development; machine gun fighting; signalling, including the use of electrical appliances, etc. Further, in order to qualify for the post of Adjutant a special certificate in musketry has to be obtained; and while, as has been shown, promotion to Lieutenant-Colonel is obtained by length of service and after passing certain qualifying examinations the command of a unit is only given to those Lieutenant-Colonels who are selected *ad hoc* by the selection board. The Commandant of an infantry battalion is required to vacate his command on attaining the age of 52 years; and the Commandant of a cavalry regiment is similarly required to vacate command on attaining the age of 50 years.

A list of Indian officers who already hold King's commissions in the Indian Army is given in appendix B to this statement. These officers have been classified as follows :—

*Table A.*—Indore students who received their first commissions when over 26 years of age.

*Table B.*—Direct commissioned officers who received their first commissions when over 26 years of age.

*Table C.*—Previously commissioned officers who received their first commissions when over 26 years of age.

*Table D.*—Indore students who received their first commissions at the age of 26 years and under.

*Table E.*—Sandhurst cadets and others who received their first commissions at approximately the same age at which a British officer enters the army.

The tables show also the dates on which each officer would qualify for promotion to Captain, Company Commander, and Major, according to the time-scale and the normal course of promotion; and, in each case, the age of the officer on these dates. It will be seen that many of these officers, having received their first commission at an age much greater than the normal age, cannot hope for a normal career in the Indian Army. To indicate an extreme case, there is one officer who would be over 57 years of age before he could qualify for the command of a company in the rank of Major, according to the prescribed tests applicable to all British officers. As previously stated, an officer is required to vacate the command of an infantry battalion on attaining the age of 52 years. It follows therefore that, for the purpose of officering, with Indian officers holding the King's commissions, the 8 Indianizing units, it will be desirable to rely mainly on those Indian officers who have obtained their first commission at approximately the same age as a British officer and can therefore hope to reach the highest posts within the age limits laid down. Of this class there are already 21 in the Army.

It has accordingly been decided that 8 of the Indian officers of suitable age will be transferred at once as company or squadron officers, one to each of the 8 units destined for Indianization, replacing in each unit a British company or squadron officer who will be transferred elsewhere. In 1924, another batch of 8 Indian officers will be similarly transferred, replacing an equal number of British Officers. In 1925, the same process will be repeated. But in that year officers already available will be completely absorbed, and the numbers will in fact have to be made up by young Indian officers who have in the meantime qualified at Sandhurst. According to the process stated, at the beginning of 1927, all squadron or company officers of the Indianizing units will be Indians, the senior of these will be about 29 years of age and will have about 6 years' service. At this stage the situation will arise that any further postings in accordance with the process laid down would entail the appointment of the senior amongst these Indian officers to the command of squadrons or companies. These will be, in comparison with the officers of non-Indianizing units, young, and relatively inexperienced. The nature of further step will necessarily depend upon the developments which have taken place in the interval.

Indian officers at present serving in the Indian Army who, for the reasons stated above, are not posted to Indianizing units, would ordinarily be passed to the non-effective list in the usual manner. A proposal is under consideration that their services should be utilized by appointing them thereafter to the Territorial Force, a course which might be of distinct benefit to the State.

The earliest date by which the 8 units could be completely officered by Indian officers, holding the same qualifications as laid down in respect of British officers and having had the same advantages of training and experience as British officers, would be approximately 22 to 23 years from the present time. It might be possible to shorten this period to some extent if Indian officers of outstanding capacity come to the front during the process of development. Exceptional promotion could conceivably be given to such officers, since unusually rapid promotion has actually to be given in war time to specially good officers and men who are required to replace casualties. But the expedient could not



be relied upon as a normal procedure : it would never be relied upon as a normal procedure in the case of British officers. The question would be not merely one of studying the pace of Indianization ; the first obligation of the Govt. would be to study the safety and efficiency of the units under Indianization ; and from this point of view, it would not be prudent to impose on an Indianizing unit a system which would never normally be imposed upon a British unit or a non-Indianizing unit of the Indian Army. Finally, there is the consideration that it might not be regarded as fair to place upon the first generation of Indian officers of the Indianizing army a burden of responsibility which normally a British officer of corresponding age and experience would never be asked to shoulder. Essentially, special promotion, such as has have been indicated, could only be given on the merits of individual cases. It is patently impracticable to attempt to regulate the matter by any *a priori* formula.

The voting on the remaining items which occupied the House for the next three days was not of much interest. On the 15th the Viceroy's telegraphic expenses in communicating with Whitehall, and the travelling expenses of Members of Govt. and the Assembly were sought to be cut but without effect. An important point was raised by Mr. Rangachariar protesting against the passage of the Prince's Protection Bill by the Council of State against the vote of the Assembly but the cut was defeated. Mr. Ishwar Saran strongly criticised the speech of Mr. Thompson in the Upper House on this Bill in which the latter had scandalously attacked the Assembly. Though this speech was repudiated by Sir William Vincent, Mr. Iswar Saran wanted the House to record its emphatic protest by making a nominal cut. Another important point was raised by Mr. Rangachariar in regard to the power that Secretaries of Government possessed to approach the Viceroy over his chief, the Member of the Govt. The present position, he said, made it possible for a European Secretary to oppose his Indian chief and go to the Viceroy to get the Indian Member over-ruled. After an explanation from the Home Member, Mr. Rangachariar withdrew his point.

Another interesting matter was raised in debate next day, the 16th March, over the question whether the Army in India had any statutory authority to exist. Mr. Burdon, the Army Secretary, gave two fallacious replies which were corrected by Sir Muhammad Shafi, but Mr. Rangachariar showed that his reply was equally fallacious as there was really no statutory authority for the maintenance of the Army. The point however was withdrawn to save embarrassment of the Govt. On this day a motion of Mr. Ginwala to cut down 5 lakhs under General Administration was passed against Govt. by 53 votes to 34. Next day, March 17th, the remaining items of expenditure were gone through, the only reduction being a nominal cut proposed by Dr. Gour under Stamps. Dr. Gour protested against contract for printing stamps being given to the French firm of De la Rue when equally good stamps can be struck off in India. He instanced the cases of Indian States which had their

stamps printed in India. The motion was passed by the House against Govt.

After the disposal of demands under expenditure, the next two days, namely the 19th and 20th were given to the consideration of taxes proposed by the Government to meet the deficit. This debate is given on pages 287-90.

### Non-Official Resolutions.

On March 21st the Assembly met to consider several bills which had been sent back to it by the Council of State after some amendments. The Criminal Procedure Code Amendment Bill as amended was passed. But only 2 bills were disposed of. On the motion of Sir Malcolm Hailey the House in about five minutes time passed the first, second and third reading of the Bill legalising the right of women to be enrolled and to practise as legal practitioners. On March 22nd a number of private bills were disposed of by the Assembly. No less than sixteen motions appeared on the agenda of which seven were for final reading of measures, three for committing bills for Select Committee, and the rest for the introduction of new bills. Mr. Abdul Kasim's Bill to provide for the Registration of Waqf Estates (Muslim Religious and Charitable Trusts) and the proper rendering of accounts by Mutwalis (Trustees) of such Estates was passed after a slight amendment. Then Dr. Gour's Civil Marriage Bill was passed by a majority of 10 votes after some opposition from the orthodox section of the House.

On March 24th the Assembly discussed two non-official resolutions, one by Mr. Kabiruddin Ahmed urging that in all State Railways return-tickets for 1st and 2nd and Inter Class passengers be issued at 1/3rd fare during the Christmas and Easter holidays and fares for the third class passengers be reduced by 1/4th immediately, and the other by Mr. Venkatapathy Raju asking for the stoppage of further recruitment of service outside India, excepting foreign experts, with a view to effect a substantial reduction in expenditure under service heads. But before these motions were taken up, the Secretary placed on the table the Finance Bill as passed by the Council of State and read the communication of the Upper Chamber requesting the concurrence of the Assembly to its amendments.

Sir Malcolm Hailey then handed over to the President a communication from the Governor-General which stated that in pursuance of a sub-section of Section 67B of the Govt. of India Act the Governor-General recommended to the Legislative Assembly to pass the Finance Bill in the form in which it was passed by the Council of State.

Mr. Kabiruddin Ahmed in moving his resolution regarding reduction of railway fares, observed that labourers in India were

getting lower wages than those in other countries so that they had only small assets to pay for shares. The 3rd class passengers were now foregoing long journeys because of their inability to pay. Moreover, third class passenger fares were yielding a larger profit than 1st and 2nd class passenger fares. If the fares were reduced, a yet larger income to revenue would accrue. The reduction of fares of return tickets during Melas was a social necessity. On Govt. assuring that the matter will be looked into the motion was withdrawn.

### Stoppage of Recruitment outside India.

Then Mr. Venkatapati Raju moved :—

“This Assembly recommends to the Governor-General in Council that with a view to effect substantial reduction in expenditure under service heads, necessary steps be taken for stopping further recruitment for services, outside India, excepting the employment of foreign experts on special terms when necessity arises.”

In commending his resolution to the House Mr. Raju referred to Mr. Jamnadas Dwarkadas' resolution on the Services which had been passed on the 11th February 1922 and, after a brief history of the various services, Mr. Raju contended that in the interests of economy the recognition of the right of Indians to serve in their own country and in fulfilment of the pledges which had been given in this behalf his resolution offered the only solution of the present difficulties. That was the first step in the direction of granting self-Government, and if any proportion was fixed between Europeans and Indians in the Services it would indefinitely postpone the grant of self-government. Dr. Nandalal, Rai Sahab Laxmi Narain and other Indian members strongly supported the motion on the ground of economy. The British Services were at an exorbitant rate draining the country's wealth. Sir Malcolm Hailey regarded the resolution as inopportune as it had been brought forward at a time when the minds of most of the members were directed to another problem of an anxious nature. Moreover, the subject deserved a full dress debate which was not at the time possible. It was, further, a resolution on which there could not be a free discussion between the Government and the Assembly which could be of value to both because the Royal Commission would soon be investigating the whole matter. The Home Member questioned if Mr. Raju had behind him any considered body of opinion in demanding that all European recruitment should immediately cease. None of the major provinces had made such a demand, nor had any Provincial Retrenchment Committee made such a recommendation. The resolution, as moved, had the further disadvantage that it did not propose to take the initial step of immediately placing the all-India Services on an Indian pay which would secure the financial advantage

the mover had in view. In conclusion the Home Member coaxed the House to adjourn the debate, to wait until the Royal Commission sat, and to allow public bodies to place their views before that Commission. Before this statement the non-officials gave way. The debate was consequently adjourned *sine die*.

On March 27th the Assembly held its final sitting of the Delhi session. Business was confined to a few non-official bills being passed, namely, Mr. Seshagiri Iyer's Bill to amend the Hindu Law of Inheritance relating to the exclusion from inheritance of certain classes of heirs by reason of disease, deformity or physical and mental defect, and Mr. Abdul Kasim's Mukhtars Bill granting the right to practise in certain criminal courts only to those Mukhtars who hold certificates under the Legal Practitioner's Act. Then eight motions relating to eight non-official Bills were carried within 15 minutes.

The House agreed to refer to Select Committee : (1) The Bill of Lala Girdharilal Agarwala for extending the privilege of appearing without a vakalatnama or power of attorney to all legal practitioners in the High Courts and Chief Courts which are at present enjoyed only by the Barristers and certain advocates. (2) The Bill of Mr. M. K. Reddi for amending the Hindu Law of Succession so as to make the law of succession uniform in the case of all castes so that illegitimate sons of a Sudra should not inherit the property of a putative father. (3) The Bill of Mr. Neogy to amend the Legal Practitioners Act with a view to remove certain distinctions between Barristers and Vakils.

The House next passed the Bill to amend the Charitable and Religious Trusts Act with a view to provide a speedier and less costly remedy by giving jurisdiction to such courts of the subordinate judges as are empowered by local Governments in that behalf.

The House next agreed to the introduction of two bills of Mr. Agarwala, one of which proposed to amend the Indian Evidence Act, Section 63, and the other to amend the sections 19, 20, 21 of the Indian Limitation Act so as to reduce litigation and multiplicity of witness. Mr. Seshagiri Iyer next introduced his Bill to provide for prevention of deferred rebates and for prevention of rate-wars and resort to retaliatory or discriminating practices in the coastal traffic of India. Lala Girdharilal Agarwala next introduced his Bill to amend the General Clauses Act providing safeguard against perjury, forgery and fraud in cases of illiterate witnesses and executants of documents.

The President then declared the Assembly adjourned till July. The following pages give an account of the Budget and summary of the debate thereon.

### The Financial Statement

Summarising the Revised Estimates for 1922-23, the Finance Member explained how the anticipated deficit of 9 crores was expected to be nearly doubled, the latest estimate being 17 half crores. The saving under Expenditure was over 4 crores, being made up of a saving of 1·86 crores under interest charges owing to a half year's interest on the bulk of the borrowing of that year being payable only next year, of a saving in military expenditure of half crore, notwithstanding an increase of 1 three-fourth crores for Waziristan and 2 one-fourth crores on demobilisation charges, and of 1·21 crores under civil expenditure due mainly to retrenchments already effected. Revenue was down by 12 half crores, in spite of the excess receipts of nearly one crore from opium and salt. The chief disappointments were 3½ crores less under Income Tax owing to heavy refunds in Calcutta as a result of the adjustment system under the former Act; 8½ crores under Customs, half the loss being due to a drop in both import and of price of sugar; 9½ crore under Posts and Telegraphs and 5·86 crores under Railways.

The Finance Member next surveyed India's present financial position from the point of view of a newcomer. "For five years" he said, "India has had a deficit. The accumulated total of those deficits amounts to no less than an overspending of 100 crores. Apart from Revenue deficits we have spent many crores on unproductive purposes. Moreover, besides the deficit of the Central Government the recurring deficits of provincial Governments and local bodies throughout India must not be forgotten. Thirty-one crores of this deficit have been covered by the creation of paper money representing nothing but the I. O. U.'s of the Government of India." This meant taxation by inflation. "The remainder amounting to 69 crores has been raised by borrowing. Moreover to the extent of 22 crores the borrowing has thus far taken the form of issues of Treasury Bills to the public, and Treasury Bills were an evil even in England where the money market was much more elastic than in India." But . . . the deficit can be looked at from another point of view when again its evil effects are prominent. In the budget for 1923-24 the charge for interest would be at least 5 half crores less had it not been for these accumulated deficits . . . Moreover the continued deficits are threatening to impair India's credit both at Home and abroad, and increasing the cost of borrowing whether for covering deficits or for new capital expenditure." Turning to the growing public debt of India the Finance Member said: "India's debt has grown from a total of 411 crores on the 31st March 1914 to an estimated total of 781 crores on the 31st March 1923 . . . 557 crores of this is classed as productive and 224 as ordinary or unproductive. The proportion of productive to unproductive debt is naturally one which looks strikingly good to anyone who thinks of Great Britain's figure of £7,500 millions of debt, all of which has gone in powder and shot. But the comparison must not blind us to the fact that since March 1914 the total debt has increased by 370 crores and the unproductive debt by 227 crores, and we must not forget that the yield on the part of our productive debt which is invested in Railways has not been sufficient in the last two years to meet the interest charges." This, he said, necessitated the most careful consideration of ways and means to improve India's financial situation. Inflation as an instrument of relief had to be ruled out. There were limits to borrowing, set by the quantity of money available and the capacity of the borrower to meet interest charges. India's salvation lay in the country meeting her annual expenditure, whether on Capital or on Revenue account, out of her own savings. The habit of investments must be stimulated. The system of Post Office Cash Certificates seemed to possess great possibilities of development.

As regards CURRENCY and EXCHANGE, the Finance Member expressed the opinion that provided the era of unbalanced budgets ceased, the position could

be regarded with some satisfaction. India's export trade was slowly improving and Currency reserves were strong. The Rupee sterling exchange had improved and there had been a satisfactory fall in prices. But he did not consider the time to be ripe yet for adopting a new policy in regard to exchange. No sanctity attached to any special rate of exchange. The only criterion was what rate best suited India's needs. A higher rate of exchange would make considerable difference to interest charges on the sterling debt. But a higher rate also might involve a restriction of India's export trade and a readjustment of internal prices. Stability was the goal to be aimed at but should not be pursued prematurely.

#### Estimates for 1923-24.

The Finance Member then passed on to the estimates of expenditure for 1923-24. Except in the Military and, to a certain extent, in the Post and Telegraph Budget, the suggestions of the Retrenchment Committee could not, for want of time, be fully incorporated in the detailed estimates then placed before the House. A lump reduction had, however, been made after allowing for inevitable delay in giving full effects to the Committee's proposals, and for extra expenditure in closing down establishments. Details would be submitted to the House before the demands for reduced figures were voted on. In the non-military portion of the Budget excluding interest, the amount reduced was 4 crores which together with 2 half crores by which the present Budget fell short of that for 1922-23 was only 2 crores less than the Committee's proposals. The Military expenditure was taken at 62 crores . . . or 5 three-fourth crores less than the last budget. The reductions pivoted on substantial cuts in the strength of the British and the Indian troops, which were still under discussion with His Majesty's Government. If all the Retrenchment Committee's proposals could have been brought into operation forthwith and their financial effects fully secured by the 1st April 1923, the military expenditure would have been 57 three-fourth crores. The difference of 4 one-fourth crores was due partly to the special expenditure in Waziristan (one and three-fourth crores) and, partly, as in the case of civil expenditure, to inevitable delay in carrying out the proposals.

The total gross expenditure including the working expenses of commercial departments was 204 one-third crores or 11 crores less than in the previous budget, notwithstanding an increase of 1 three-fourth crores under interest charges. The gross revenue was estimated at 198 half crores, leaving on the existing taxation a deficit of 5.85 crores. The revenue forecast was based on the assumption that trade conditions would continue much as they were. A small growth such as might normally be expected from year to year had been allowed for; no expectation of any early boom in foreign trade had been permitted to colour the estimates. The rate of exchange was assumed for the purposes of the estimates at 16d.

As to WAYS and MEANS the total liabilities in 1922-23, over and above what had been met from Revenue, were 106 crores including the Railway capital outlay of 21.4 crores, loans to provincial Governments 11.4 crores, discharge of Treasury Bills 40.6 crores and of funded debt 12.4 crores. These were met mainly by the rupee loan of 47 crores and the sterling loan of 31 half millions.

Next year the total liabilities were estimated at 67 crores including the Railway capital outlay of 38 half crores, loans to Provincial Governments 13 half crores, discharges of Treasury Bills 5 half crores, and funded debt 5 crores. The loans next year were assumed for the estimates at £15 millions in sterling and 25 crores in rupees. The Government would require to remit £27 million to London, but the Finance Member could not at the moment particularise the exact method of effecting the remittance.

The Finance Member regretted that the beginning could be made this year in reducing provincial contributions, but urged all who had that interest at heart to support him in securing a balanced Central Budget as by doing so they would be hastening the day when the contributions could be reduced to 4.26 crores by crediting to revenue the interest on securities in the Gold Standard Reserve in addition to that on securities in the Paper Currency Reserve which latter was approved by the House for the financial year 1922-23. New taxation was necessary to make up the uncovered deficit of 4.26 crores. Several crores in the military expenditure and considerable additional amount in the non-military expenditure represent non-recurrent expenditure due to "lag" and "terminal" charges connected with the proposals of the Inchcape Committee. But these sources of saving were largely illusory and did not justify the deficit being allowed to continue for another year. Over 2 crores of the cut made in the military budget represented non-recurring savings. Similar considerations applied to other cuts, both in the military and the non-military budget particularly in the Railway budget. The only practicable tax was the raising of the salt duty to Rs. 2-8 per maund. This was expected to yield 4 half crores in 1923-24 and would leave a small surplus of 24 lakhs. Some terminal charges threatened to continue into 1924-25. There was no certainty that the budget for 1924-25 would balance on the basis of present taxation. No beginning had been made towards making good past deficits, or paving the way towards a reduction of provincial contributions. Fresh taxation seemed to be the only remedy. It might be unpleasant but was preferable to recurring deficits. The Finance Member concluded with an appeal to the House for an united effort to get India's finances out of the vicious current which was threatening to drag the country down on to the rocks of insolvency.

#### General discussion in the Assembly

The general discussion on the budget took place in the Assembly on the 5th and 6th March in the course of which no less than 40 speakers took part. Satisfaction was expressed at the manner in which the Finance Member had handled the budget, the retrenchments made as a result of the recommendations of the Inchcape Committee were appreciated, but a great volley of criticism was directed against the military expenditure which was considered to be very high and it was suggested that the budget deficit could be met by making a fuller use of the recommendations of the Retrenchment Committee if they were given effect to fully. There was a general desire that the budget should be balanced but the salt tax was strongly opposed. Sir Sivaswamy Aiyar regretted the delay in the decision regarding the admission of Indians to auxilliary services, and the reduction in the grant for providing improved accommodation for the Indian sepoy, the present inequitable capitation grants and urged that the deficit be, if possible, covered by a further reduction, and contended that it would be politically unwise to cover it by the salt tax. Mr. Seshagiri Aiyar feared that the policy of civilising the Mahsuds, for which so many was being wasted in Waziristan, would bleed India white, and advocated a reduction in passenger fares and the stabilisation of exchange. Sir Gordon Fraser and Sir Montagu Webb urged a reduction in the amount of salt tax and the

former suggested that the deficit be met by a temporary surcharge of half an anna per rupee in respect of income-tax, super-tax and customs collections. He also advocated the retention of the export duty on raw hides and skins at 15 per cent. Sir Montagu Webb pleaded for a four anna silver duty and expressed his agreement with the Finance Member that the time had not yet come for final attempts towards stabilising exchange. Mr. Samarth claimed that certain charges amounting to little less than four crores of rupees had been wrongly charged to the revenue account and should, according to well-accepted principles, be charged to the capital account which would practically wipe off the deficit. An export duty on petrol was also suggested, and Mr. Jamnadas Dwarkadas asked for an export duty on Jute, as a means of meeting the deficit. Mr. Innes showed that the suggestion for an export duty on petrol was unacceptable as it would injure that trade and might force the Burma oil companies to raise the price of kerosene oil to cover their loss over petrol; the result would be that the Government would get less revenue and the Indian consumer of kerosene would be hit. His Excellency the Commander-in-Chief could not subscribe to the hope expressed by the Inchcape Committee that in future the military budget might be reduced to Rs. 50 crores. In giving his concurrence to the cuts in the military budget, the Commander-in-Chief said, he had been primarily influenced by the paramount need of balancing the budget and also by the better conditions, both internal and external, which twelve months ago were such as not to justify the risks which he was this year taking. His Excellency declined to admit that the army was either too efficient or too strong for the country's needs, but he felt that the Government would be justified in taking some of the risks involved from an exclusively military point of view when they were confronted with a financial disaster which an unbalanced budget would force upon the country, and hoped that the final settlement of the problem of Waziristan would soon be achieved and then there would be a considerable reduction in their financial commitments. His Excellency expressed his entire sympathy with Sir Sivaswamy Aiyar's advocacy for improved accommodation for the Indian sepoy and for an equitable and just settlement of the capitation grants. Sir Basil Blackett in winding up the debate adhered to the position which he had taken up on the 1st March. He assured the House that further reductions beyond those included in the estimates were impossible. Alternatives of taxation, such as the silver duty or cotton duty, would provide only a partial remedy and would be more burdensome economically on the poor than the salt tax (!); moreover, all these alternatives had already been carefully ex-



amined by the Government. In defending the proposed salt tax the Finance Member assured the House that the Government had not light-heartedly decided upon it. In opposing Mr. Samarth's suggestion for the transfer of certain charges to capital expenditure, he remarked: "I do hope that the House will not be led away into by-paths in which deficits will suddenly re-appear as surpluses. It is so easy to manipulate accounts. But what is the position at the end of the year supposing you say that this or that building is a capital expenditure, this or that expenditure on irrigation which will not yield any revenue,—most of which indeed involve expenditure in the future years? Once you have got a building, you have got to maintain and repair it. You say it is a capital charge and therefore you are not going to charge it to Revenue. It is not part of the revenue of the year. Supposing 4 crores are spent in that way in the year, at the end of the year your unproductive debt is 4 crores higher, you have got to find interest. You have indeed got an additional asset which may possibly be a costly one. There is the cost of keeping it up. It would merely mean the piling up of unproductive debt." Nor could he help in exchange. He maintained that the waiting policy was the best in respect of exchange at that moment. The Finance Member also opposed further reduction in railway expenses. In conclusion, the Finance Member held that the House having agreed to cover the deficit it would find that the Government's suggestion to meet it by the salt-tax was the best!!!

General discussion in the Council of State.

The general discussion on the Budget in the Council of State took place on the 7th March when 13 non-official members participated in it. The opposition to the salt-tax was not as strong here as in the Assembly, but the demand for the reduction of military expenditure was almost as strong. The budget as a whole met with a warm reception, Sir Maneckjee Dadabhoy calling it "a common sense budget based on well-recognised canons of taxation." Professor Kale said that he would rather leave the deficit uncovered than permit Government to raise the salt duty, and Sir Dinshaw Wacha believed that it would lead to a diminution in the consumption of salt and affect the vitality of the people. Mr. Lalubhai Samaldas opposed the salt duty and proposed economies by the capitalisation of railway annuities, import duty on iron and steel, and a surcharge on gross shipping freights. Only the gallant Col. Sir Umar Hayat Khan welcomed the salt tax which, he felt, would not be a burden on the public, specially when the prices of all other foodstuffs had gone down. Sir Arthur Froom refused to believe that an extra Rs. 1/4 per maund excise on salt would be oppressive to any body. Sir Zulfiqar Ali Khan also defended the salt tax and failed to see any justification for

the opposition the Assembly had put up. Sir Dinshaw Wacha asked for the appointment of a strong committee to control the civil and military expenditure of the Government of India, as well as a committee to examine taxation and revenue.

#### Demands for grants.

The demands for grants were discussed in the Assembly from the 12th to the 17th March. The net revenue of the Central Government and the expenditure chargeable to revenue stood as follows in the estimates placed before the Legislature:—

			Ra.
Net revenue	...	...	1,26,61,71,000
Expenditure	...	...	1,30,87,92,000
Deficit	...	...	<u>4,26,21,000</u>

In distributing the lump reduction of 4 crores made in the original estimates for giving effect to the recommendations of the Retrenchment Committee, the Government of India found it possible to make a reduction of Rs. 7,27,000 in excess of 4 crores. But the Assembly tried to do what it could when it voted on the demands for grants. As item after item came up for discussion motions for reduction were made. Some of these aimed merely at raising important issues. This by means of a nominal cut under one head the Assembly expressed its desire for the retention of the Controller of the Labour Bureau whose abolition had been recommended by the Inchcape Committee. By means of a similar proposal the position of Indians in the Government of India Secretariat was raised by Mr. Rangachariar. Similarly, the question of the Indianisation of the Political Service was raised by Munshi Iswar Saran and Mr. Bray stated that recruitment of Indians to the Political Service was to be made from amongst members of the Indian Civil Service, from Indian officers in the Army and from amongst men of proved merit in the Provincial Civil Service. Munshi Iswar Saran by means of another similar motion tried to protest against what he called an unjust and undignified attack by Mr. Thompson in the Council of State in reference to the attitude taken up by the Assembly over the Princes' Protection Bill.

The Railway cut was moved by Mr. Rangachariar and carried by 67 votes to 37. The total omission of the grant for the Royal Commission on the services was passed by a majority of one vote, there being 46 for and 45 against the motion and the Govt. mustered its forces strong. Sir Sivaswamy Iyer and Mr. Samarth voted with

the Govt. As a result of the reductions proposed the Assembly could finally pass only the following reductions:—

	Rs.
Customs . . . . .	4,00,000
Railways . . . . .	50,00,000
Railways . . . . .	1,14,00,000
General Administration . . . . .	5,10,000
Miscellaneous ; Public Services Commission . . . . .	3,00,000
<b>TOTAL . . . . .</b>	<b>1,76,10,000</b>

Of these cuts the Governor-General in Council promptly decided to restore the cuts of Rs. 1,14,00,000 under Railways and Rs. 3,00,000 for the Services Commission.

### The Finance Bill.

The Finance Bill came up for discussion on the 19th March. The Finance Member stated that the estimates of expenditure including Rs. 9,00,000 which was regarded as a necessary provision for supplementary grants and which would probably be required to replace the cuts made by the Assembly, amounted to Rs. 1,33,85,62,999 while the estimates of revenue came up to 1,30,16,42,000 making the deficit on that basis Rs. 3,68,83,999. The salt tax was strongly opposed and after a four hours' discussion the Assembly failed to secure a formula which would cover the deficit by a form of taxation acceptable to the Government. At the suggestion of Sir Sivaswamy Aiyar the Assembly adjourned and an informal conference was held with a view to discovering if some sort of agreement could be reached, but the conference proved abortive. The Bill came up again on the 20th March when it was strongly defended by Sir Basil Blackett, Sir Malcolm Hailey and Mr. Innes who maintained the economic soundness of the salt tax. They assured the House that it was after a searching examination of the taxation schedule that they had decided that the salt tax offered the only and final solution of their difficulties. They were aware that last year this tax had been refused, and Mr. Innes confessed that the salt tax of the previous year was wrong, but there was a world of difference between the circumstances then prevailing and those of the present year. All possibilities of retrenchment had been examined and the Government had loyally carried out the retrenchments in expenditure recommended by the Inchcape Committee. The Budget was indeed based on the somewhat sanguine assumption that all the cuts recommended by that Committee would be put into force with the least possible delay. They were now presenting to the world the

spectacle of having tried all possible cuts and still failing to meet the deficit. After the failure the day before at the informal conference to arrive at an agreement, when political, sentimental and all other considerations put forward by the opponents of the salt tax had been fully weighed, the Government had not lightly decided to go on with a proposal which raised constitutional implications such as might involve the Viceroy in again using his power of certification. In asking the Assembly to take this last important decision the Home Member said: "The one thing that we want now is a courageous and a consistent attempt to get into a position where we can at last see daylight. If it requires courage on your part, believe me you are not alone in that. It has required on our part also courage, for we know that we run the risk of incurring much criticism, much misrepresentation, and even discontent.... It is only facing the situation now that you can put the finances of India into a condition when India itself can, with something like a serene outlook on the future, set to work to readjust its relations with the Provinces, to provide Ministers, who are the chief agents of reform in the Provinces, with means to make their provision real, it is only then that you can look with anything like a clear and serene vision on the future." In spite of the official speeches, the non-official opposition was unbending. Political objections were raised in opposition to the measure and a free vent was given to Indian sentiment on the subject which is so outrageously ignored by the Government. Mr. Rangachariar accused that by doubling the salt tax they were proposing a permanent source of revenue for standardising their expenditure at that year's level. He thought that India's credit stood sufficiently high not to be impaired by a small deficit. Mr. Jamnadas Dwarkadas appealed to Government not to insist on salt tax as it would be a messenger of revolution and would be followed by grave constitutional consequences. The leading opponents to the salt tax were Dr. Gour, Mr. W. Hussanally, Sir Montagu Webb, Mr. Seshagiri Aiyar, Sir Deva Prasad Sarvadhikary, and Mr. Manmohandas Ramji. Chaudhri Shahabuddin's motion to raise the salt tax to Rs. 2 in place of Rs. 2-8 as suggested by Government was rejected by 55 votes to 48, and finally Mr. Rangachariar's motion rejecting the proposed enhancement and maintaining the present rate was carried by 59 votes against 44. It was a great non-official victory and was received with ringing applause. Sir Sivaswami Aiyar remained neutral.

Mr. Rangachariar's attempt to retain the 15 per cent export duty on hides and skins received little support and Sir Montagu Webb's suggestion, which was not made until the last stage of the debate, for drawing upon the Gold Standard

Reserve to meet the gap was described by the Finance Member as the most unsound of all the unsound suggestions which Sir Montagu had put forward, foundering deeper and deeper in sentimental finance with each stage of the crisis. Sir Montagu, however, based his observations on Sir Lionel Abrahams, one of the greatest of financial authorities, who had given his opinion only two days ago that 25 million sterling for the Indian Gold Reserve instead of the huge figure of 40 million, was sufficient. Eventually the Finance Bill as amended by Mr. Rangachariar's motion in respect of the salt tax was carried.

The salt tax was again promptly certified by the Viceroy and the Finance Bill as recommended by the Governor-General, came up before the Council of State on the 23rd March and was passed by a majority of 28 votes against 10. By this decision the Council of State reversed the vote of the Legislative Assembly in respect of the salt duty and fixed it at Rs. 2-8-0 as originally proposed by Government. Here also the salt tax was severely opposed by several non-official members including Mr. Srinivasa Sastri, Professor Kale and Mr. Lalubhai Samaldas. Sir Maneckjee Dadabhoy remarked that the consideration of money bills was primarily the concern of the Assembly and no such grave emergency had arisen as to necessitate the Council of State being invited to over-rule the decision of the other House. The European non-official view was expressed by Sir Alexander Murray who was satisfied that all possible cuts had been made in expenditure and that the salt tax was the least objectionable. The Maharaja of Darbhanga, the Raja of Kollengode and Colonel Sir Umar Hayat Khan were among those who supported the tax and were prepared to face the public odium because they were convinced that the salt tax was the best.

On the 26th March with crowded public galleries and a record attendance the Assembly met in an atmosphere of tense excitement to consider the recommendation of the Governor-General to pass the Finance Bill in the form in which it had emerged from the Council of State. Sir Basil Blackett impressed upon it the serious financial decision it had to take and appealed for united action in order to balance the budget. Mr. Jamnadas Dwarkadas contended that the financial and political aspects could not be separated and asked the House to benefit by the past experience and not to pass the tax to which India to a man stood opposed. Sir Campbell Rhodes remarked that the poor man did not complain of such a small rise in salt tax but an uncovered deficit would mean a burden on the poor by bringing about inflation and he asked the House to remember that on their action would depend the rate of interest on their impending loans. Sir Montagu Webb said that the

imposition of the salt tax, in the manner in which it was being done in the face of the opposition of the Assembly, was fraught with danger to the successful development of the Reforms. He reminded Government of the fine record of the Assembly which had agreed to several millions sterling of taxation within the last two years and he appealed to Government not to insist on covering the "office-made" deficit. Sir Malcolm Hailey emphatically denied the charge that Whitehall had pressed for the salt tax and asked the House to keep in view that the proposal had been made by Government on its own initiative. Sir Malcolm claimed that never before had the Government been more ready to investigate alternative methods of taxation but the non-officials had failed to advance any with a fair prospect of acceptance by the House. The adverse effect on business of the existing state of finances could not be over-emphasised, and the steps the Government were taking under the reserved powers were perfectly constitutional; no one had ever suggested that such powers should be kept only for show and not for use; Government were satisfied that the occasion fully justified their resort to them. After two hours' debate the motion was put and the Assembly rejected it again by 58 votes against 47.

### The Viceroy's Certification.

The Finance Bill was however passed with the Viceroy's Certification of the Salt-tax. In a communique, which was issued on the 29th March, His Excellency said :—

'I have decided to exercise the special powers with which I have been invested by His Majesty's Government under the provisions of section 67 (B) of the Government of India Act and to certify the Bill.

'Ever since I came to India and learnt the financial conditions, I have been deeply impressed by the imperative necessity of placing India's finance on a sound basis and have kept this object continually in view. The first budget after my arrival was that of 1922-23. I then learnt that there had been cumulative deficits in the four preceding years totalling 90 crores. Heavy increases of taxation had been imposed by my predecessor's Government in 1921-22 in order to balance the budget. Taxation had again to be enhanced by my Government in 1922-23 and an increase was also made in the postal and railway charges. It will be remembered that at that time my Government also proposed to double the salt duty. The Legislative Assembly rejected this proposal. I accepted their decision and did not certify the necessary legislation for the purpose. Without dwelling in detail on my reasons it will suffice to mention, (a) that my Government were deeply impressed with the need urged by the Legislature for retrenchment in both military and civil expenditure as a necessary step to precede any further taxation of this nature; (b) that food prices were then high and wheat in particular exceptionally high. When we came to frame the budget of the present year we found that notwithstanding the admirable work accomplished by Lord Inchcape and his committee and after making very far-reaching reductions in expenditure, we had again to face a deficit not so large indeed as last year but nevertheless amounting to nearly four crores. We have striven our utmost to restore equilibrium by scrutiny

of estimates of revenue and expenditure but have failed. Speaking with all the responsibility falling on me and my Government I am convinced that the position cannot be ameliorated by any addition, however tempting in appearance, to revenue, or by any deduction from expenditure. My Government held that in view of the past accumulated deficits it was essential in the interest of India to balance its budget. It had every reason to look for the support of the public and the Legislature in this view. Ever since my arrival in this country, the Legislature, all sections of the press and public men, in deputations, addresses and speeches have insistently urged on me the vital necessity of securing financial equilibrium. In addition, representations had persistently been made that the Government of India should balance its budget in order that it might begin to remit the contributions of nine one-fourth crores from the Provincial Governments to the Government of India, a matter vitally important to the progress of those departments which have under the Reforms Scheme been committed to the charge of Ministers.

#### Rehabilitation of India's Credit.

'The rehabilitation of India's credit by presenting a balanced budget was not a measure which could be delayed. The need for large capital funds for material development obliges the Indian Government to enter the money market for considerable sums both in England and India. It would be in the highest degree unfortunate if it had been obliged to present a deficit for the sixth year in succession and when the circumstances no longer permitted a hope that the deficit was purely temporary or was one which would yield to a determined effort at retrenchment. Reductions have been made in military charges which seemed impossible a year ago. The Government of India have stated that in making these reductions we are taking military risks but we feel that we are justified by the financial stringency. His Majesty's Government have agreed in principle to the reductions. In the civil departments similar retrenchments of a far-reaching character have been accepted. If after making these efforts we still had to present a deficit there was every possibility that the fact would react on our position as a borrower. Our hopes for a gradual reduction in our interest charges would be frustrated with results damaging not only to India's progress as a country but to every industrial and trading interest in the land. The provinces have now their own commitments for capital expenditure on their material development. Their interests would suffer even more severely than those of the Central Government in proportion as their resources are more limited.

'The most careful and anxious consideration was given to the possibility of finding an alternative to attain the equilibrium. No alternative presented itself to the Government, nor, indeed, when the matter came to be discussed, to the Legislature. The reason is obvious. Those engaged in trade and industry have had laid upon them heavy increases in taxation during recent years.

'Postal and Railway rates have been enhanced. The burden thus placed on commerce and industry will require time for adjustment, and further taxation in these directions would have failed to provide the sum required.

#### Shadowy Foundations

'I have myself given the most careful consideration to the objections which appear to exist against the enhancement of the salt-tax, whether on economic grounds or those of sentiment. The tax is said to have historic unpopularity, but it existed before British rule. In the period from 1861-1877, it stood in Northern India at Rs. 3, in 1878 the rate was Rs. 2-12, from 1879-1881 and again from 1888-1902, it stood at Rs. 2-8, and since 1916 it has been at Rs. 1-4. The objection is thus not to the tax itself, but to its present enhancement.

Every increase in the rate of a tax is unpopular, yet it must be remembered that it has been collected in the ordinary way at the enhanced rate throughout British India since the 1st of March of this year. The economic arguments against the tax appear to stand on shadowy foundations. Perhaps never in the recent history of India has there been a year in which such enhancement will press lightly on the poor. Wages are still on a favourable basis, but the prices of food-stuffs have markedly fallen, and with the abundant promise of a rich harvest around us may be expected to decrease still further. Even a slight fall in the price of food-stuffs is of great importance to the poor family.

#### An Infinitesimal Effect.

'The mill laborer is shown to spend approximately 56 per cent of his income on food, and of this amount salt represents only two-fifths of one per cent. The increase in salt-tax must have an infinitesimal effect at a period such as this. Prices of food-grains fell by 20 per cent between October 1921, and December, 1922, between January 1922 and 1923. Retail prices of wheat fell 100 per cent in important centres of Northern India. These considerations were duly laid before the Legislative Assembly. That body had from the first admitted in principle the paramount necessity of balancing the Budget. Many of the members had emphasised the need of regaining equilibrium as a necessary preliminary to fulfilling our obligations in regard to the gradual reduction of Provincial contributions, and it is, indeed, obvious that no steps in this direction can be taken so long as the finances of the Central Government are in deficit. The Assembly was unable to agree on the adoption of any alternative form of taxation, which would secure the full amount required. Nevertheless, it rejected the proposal for an enhancement of the salt-tax. It was in these circumstances that it became my duty to certify the measure.

#### Exercise of Special Powers.

'It must be clearly understood that my action merely imposes an enhancement of tax until March 1924, when the matter must again come before the Legislature. It will then have had a year's experience of the operation of the tax, and it will be in a position to determine whether, in view of the condition of the country and having regard of our obligations to the Provinces, it will vote for its retention. I hold strict views regarding the exercise of my special powers. Their use can only be justified in the words of the Government of India Act, when it is essential for the interests of British India. This requirement has throughout been present to my mind. In the present case, the interests of India only and no other interests are in question. 'A balanced budget is absolutely essential to her interests at the present time, and I believe that it is my duty to take the necessary action to secure this in the discharge of the responsibility placed upon me as Governor-General by the Imperial Parliament.) It may be that the Scheme of Reforms introduced by the Government of India Act will be attacked on account of the action taken by me. This would be unfortunate and could only be due to a misapprehension, for, the constitution is embodied in the Act, and I do not believe that there is any substantial difference as regards the meaning of the important provisions under which I am acting. An unbalanced budget appears to me to involve danger to the future of India, perhaps, inherently greater than any constitutional or political issue, while their immediate effect is to stifle the development in the provision of all those beneficent activities, education, public health and industry, which should be the first fruits of the Reforms. I am convinced, therefore, that my action will prove of ultimate benefit in the development of the Reforms and the advancement of India, and for these I shall continue to labor in the discharge of the high responsibilities entrusted to me as Governor-General.'



## Legislation

Of the important Legislative business during this session may be mentioned the following:—

### Criminal Procedure Code (Amendment) Act.

The Bill which occupied the greatest length of time any Bill has taken in this or in any previous legislative session was the Code of Criminal Procedure (Amendment) Bill. This Bill has an interesting history. On the 21st March 1914 a Bill embodying such modification in the Code of Criminal Procedure as experience had shown to be desirable was introduced in the Imperial Legislative Council and was thereafter referred to a Committee consisting of Sir George Lowndes, the Honourable Mr. Justice Piggott, the Honourable Mr. Justice Kumaraswamy Sastri, Lord Sinha and Mr. Walker. The Bill of 1914 was re-drafted by this Committee and with a few further modifications was introduced in the Council of State in February 1921; The object of the amendment was to secure more power to the police and the magistracy to deal more firmly with the great wave of national feeling that was then swaying the country; specially as some of the repressive laws had been removed from the statute-book. It was introduced in the Council of State to ensure its swift passage. It was referred to a Joint Committee of the two Houses which met at Simla in June, 1922 and made considerable modifications. The Bill as amended by the Joint Committee was passed without any further change by the Council of State in September 1922 and was taken into consideration by the Legislative Assembly in January 1923. A large number of amendments were made by the Assembly. In the Council of State, to which the amendments had to be referred under the rules of procedure, alternatives to three of the amendments were proposed by Government and adopted and a further amendment was adopted which had been proposed by Mr. Lalubhai Samaldas. Apart from these four, all the amendments made by the Assembly were accepted by the Council of State and the Bill was referred back to the Assembly for the acceptance of those four amendments. Finally, these amendments were accepted by the Assembly and the Bill thus succeeded in passing both the Chambers. In the Assembly discussion turned mostly upon section 162 of the Code which deals with the use of statements recorded by a police officer in the course of an investigation. In the Assembly an amendment was carried against Government which would have meant that the accused would have been allowed to inspect any such statement made by a prosecution witness. On behalf of the Government it was urged that this course would be very detrimental to the public interests. The course finally taken in the Council of State was the result of a compromise and it does not allow inspection of such statements to the accused; but if he desires, he must be given a copy of the statements unless the Court is of opinion that any part of the statement is not relevant to the subject matter of the inquiry of trial, or on the other hand that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interests. Two other changes made by the Council of State in the amendments made by the Assembly related to sections 195 and 406. The amendment of section 195 as proposed by Government did not call for very considerable comment in either House. There was, however, much discussion on the proposed new section 406 which deals with appeals from orders requiring security for keeping the peace or for good behaviour. At the present time orders requiring security for keeping the peace are not subject to appeals, and orders requiring security for good behaviour are only appealable if made by a Magistrate other than a District Magistrate or a Presidency Magistrate. Under the section, as ultimately amended, appeals will lie in all these cases. Normally

they will lie from the Presidency Magistrate to the High Court and from any other Magistrate to the Court of Sessions, but the Local Government has been given power to direct by notification in the gazette that in any district appeals from such orders made by Magistrates other than District Magistrates or Presidency Magistrates shall lie to the District Magistrate and not to the Court of Sessions.

#### Racial Distinctions Act.

The most important measure, however, was the Racial Distinctions Act. It will be remembered that Mr. Samarth moved a resolution demanding the abolition of all racial distinctions and that resolution with certain amendments was carried in September 1921. A Committee, with Sir Tej Bahadur Sapru as President, was appointed and it made certain recommendations on which the Bill was mainly based. There were, however, two departures from those recommendations: the definition of the European British subject was widened so as to include Colonials, and a provision was made to the effect that in the case of persons subject to the Naval Discipline Act, the Army Act or the Air Force Act, when accused of certain offences, the Advocate General would be bound, if instructed by a competent authority, to move the High Court for the transfer of the case to that Court and that Court would be bound thereupon to transfer the case. Among the most important alterations in Criminal Procedure which the Act effects are the following: It enables all first class Magistrates, whether or not they are Europeans and Justices of the Peace, to inquire into or try offences in which Europeans are involved, though some limitations have been put upon the powers of 2nd and 3rd class Magistrates, and trial by jury in the case of a European before a District Magistrate has been abolished. It empowers Sessions Judges to pass sentences of death, penal servitude, or imprisonment and fine, or any sentence *other than whipping* on Europeans just as they can on Indians. It gives both the European and the Indian British subject, when on his trial in a Court of Sessions or High Court, the right to claim a jury consisting of a majority of his own countrymen. As against the verdicts of juries in racial cases, there is an appeal provided to the High Court both on a matter of fact as well as on a matter of law. Special provisions have been made in Chapter XXXIII relating to cases, which would not ordinarily be tried by the Court of Sessions, in which European and Indian British subjects are concerned. The trying Magistrate is to decide whether the case is one involving racial considerations which should be tried under the provisions of this Chapter; if the Magistrate rejects the claim that the case should be so tried, an appeal lies to the Sessions Judge whose decision will be final. If it is decided that the case should be tried under the provisions of this chapter and it is a warrant case, it will be committed for trial, unless the accused is discharged, to the Court of Sessions; if it is a summons case it will be referred to a Bench of two Magistrates of the 1st class of whom one will be a European and other an Indian. Provisions have also been made for reference to the Sessions Judge in case of difference of opinion between the two Magistrates, and for appeals. Lastly, the provisions in the nature of, *Habeas Corpus*, contained in Chapter XXXVII of the Code of Criminal Procedure, 1898, have been so extended as to confer on all High Courts in relation to all persons, whether Europeans, Indians or Foreigners, the wide powers which they formerly possessed under section 456 of the Code in respect of European British subjects only.

#### Workmen's Compensation Act.

A very important Legislation from the labour point of view is the Workmen's Compensation Act. Though marked by a spirit of caution, it is the first of its kind in India and has the merit of seeking to avoid the evils of similar legislation in other countries by reducing to a minimum the scope

for litigation. The principle that workmen should receive compensation for injuries suffered from accidents arising out of and in the course of employment has been accepted, and the act is to come into operation on the 1st July, 1924. It is intended to benefit workers in factories and in mines; railway and tramway workmen; certain classes of workers on ships; the great majority of dock labourers; certain classes of persons employed in the building trades; telegraph and telephone linesmen; underground sewage workers; members of the fire brigades; but persons who receive more than Rs. 800, unless they are manual labourers or railway workers, are not eligible for compensation, and if workmen are drunk or disobey orders or remove safety devices they will not receive compensation for any accident which might in consequence result. In the case of fatal accidents, compensation for adults is 30 months' wages of the deceased workman subject to a maximum of Rs. 2,500. In the case of a minor, the compensation is Rs. 200 which is intended to cover funeral expenses. Where the workman suffers permanent injuries which did not result in death, compensation is on a different scale. For injuries which incapacitate a man completely for life, such as loss of eye-sight, the compensation payable to an adult is his wages for 42 months, and to a minor his wages for 84 months. There is a maximum in each case of Rs. 3,500. If the injuries do not completely disable the workman the compensation is to be based on the loss of the earning capacity. All these payments are to take the form of lump sums and would normally be paid by the employer. The case of temporary injuries is different. The rule here is that adults are to receive half their wages and minors two-thirds, subject in each case to a maximum of Rs. 80 a month. Payments are to be made twice monthly while disablement lasts. The waiting period before compensation comes into operation is fixed at ten days. Compensation is also payable in some cases for diseases which the workman might contract. Three such diseases—anthrax, lead poison and phosphorous poisoning—are specified in the Bill, and special classes of workmen liable to contract these diseases are named. If a workman in one of the specified classes contracts one of the scheduled diseases he will be entitled to compensation. The Act provides for the administration and settlement of disputes by special commissioners. This is designed to avoid legal intricacies and the delay of the ordinary civil courts. From the decision of the commissioner an appeal will lie to High Court only on questions of law; and this only if the amount in dispute is at least Rs. 800. Further, if the parties agree beforehand to abide by the decision of the commissioner, his decision will be final. Neither the workman nor the employer can apply to the commissioner until an endeavour has been made to settle the dispute by agreement.

#### The Mines Act.

A few more Government measures of considerable importance might be briefly mentioned. The mines in India very often employ labour less as individuals than as families, and this naturally makes any attempt to restrict the employment of women and children in the mines one that should be circumspectly undertaken. It definitely prohibits the employment and presence of children in mines, and looks forward to the time when the work of women can be dispensed with. The opportunity offered by the amendment of the old Mines Act has also been taken to limit the hours of work in a mine to 60 hours above ground and to 54 hours below ground per week and to prescribe a weekly holiday.

The Act dealing with the suppression of **TRAFFIC IN WOMEN and CHILDREN** is also one of considerable importance and ought to have far-reaching effects. The **CANTONMENTS** Bill which was introduced towards the end of the session aims at liberalising the administration of cantonment areas on municipal lines. Another measure brought forward by Government in

response to the demand of Dr. Gour and other progressive members of the Legislative Assembly to settle doubts which had arisen as to the capacity of women to be enrolled and to practice as legal practitioners in Indian High Courts was also passed.

#### Non-official Bills.

Turning to non-official Bills, Mr. Kamat's Bill to amend the Married Women's Property Act, in order to provide that a policy of insurance expressed on the face of it to be for the benefit of the wife or the wife and Children of the insurers shall automatically become a trust for their benefit, was passed into law. Mr. Lathe's bill, known as the Hindu Ceremonial Emoluments Bill, intended to obviate a judicial decision to the effect that a hereditary priest entitled by custom or usage to officiate at particular ceremonies of a religious nature is entitled to claim his customary fees whether he has been called in to officiate or not, which had been passed by the Assembly in the previous session, was thrown out by the Council of State, principally as a result of the objection urged by Sir Leslie Miller and Mr. Khaparde that sought to destroy certain vested rights without providing compensation for them. Maulvi Abdul Kasem succeeded in piloting his Mussulman Waqfs Registration Bill in a much simplified form and his Code of Criminal Procedure (Amendment) Bill dealing with the legal status of mukhtars through the Assembly. Two Bills of Mr. Seshagiri Aiyar, of which one has the effect of including certain classes of heirs which had hitherto been excluded under the Hindu law from inheritance and the other of altering the order of succession under the Hindu law in favour of certain classes of heirs, were passed by the Legislative Assembly, while his Bill regarding the prevention of deferred rebates was introduced and ordered to be circulated for opinion. A Legal Practitioners (Amendment) Bill introduced by Mr. K. C. Neogy was referred to Select Committee. Dr. Gour again took a prominent part in the legislative work of the Assembly. His Special Marriage (Amendment) Bill for which he has been fighting for a long time was passed by the Legislative Assembly in a considerably different form from that in which it was introduced, in that it made provision for the rights of succession of and to persons of Hindu and other kindred religions adopting the civil form of marriage, and remained to be laid before the Council of State. The report of the Select Committee on his Code of Civil Procedure (Amendment) Bill was presented, and his Legal Practitioners (Amendment) Bill was referred to a Select Committee. The motion to refer his Indian Contract (Amendment) Bill to a Select Committee was lost and that regarding his Adoption Registration Bill was withdrawn. The motion to refer his Hindu Co-parceners Bill to Select Committee was also lost. Mr. Rangachariar's Code of Criminal Procedure (Amendment) Bill was referred to Select Committee, but the motion to refer his Transfer of Property (Amendment) Bill to Select Committee was lost. Several other Bills including those introduced by Mr. M. R. Reddi, Lala Girdhari Lal Agarwala and Mr. K. Muppil Nayar were at various stages also considered.

## The Legislative Assembly—Last Session 1923.

*SIMLA—JULY 1923.*

The last session of the Legislative Assembly commenced on the 2nd July 1923, and the Council of State met on the 16th. The attendance during the session was not large, and the non-official element was unusually weak. It began with an attendance of 70 and though some twelve more members came up in the next few days, no fewer than 50 non-officials were absent. The disorganised condition of the non-official parties and their lack of discipline and disregard for concerted action were clearly seen at a private meeting of the non-official members that was held on the 1st July to consider what steps they should take to show their resentment at the Viceroy's certification of the salt tax. But only some 30 members were present, including the leaders of the Nationalist and the Democratic parties. Mr. Seshagiri Ayyar presided. The majority of those who had flourished so much at the Delhi session to resign in a body were however absent. Some influential members were of the opinion that they had in March last opposed the enhancement of salt duty and sufficiently shown their resentment and any more action on their part to show once again their resentment would not serve any useful purpose and that they would oppose such a policy, but the majority thought that in order to register once more their emphatic protest against the certification, they should give one more battle to Government on some definite issue, such as the supplementary grants or a money bill, and defeat them heavily. The meeting ended as it began without coming to any decision. This disagreement weakened the non-official strength as was seen on the very first day of the Assembly's session, and fortified the position of Government who now openly defied the House. Whether on the bill to repeal the Criminal Law Amendment Act of 1908, or on other non-official bills, or whether on the military policy of the Government of India, or on resolutions to amend section 67 B of the Government of India Act, a policy of uniform hostility was resorted to by the Government. At question time also their replies to some of the most important questions were decidedly curt and breathed a spirit of contempt.

### Questions

Nearly 150 question were answered during the course of the first four sittings. Many of them related to Military and Railway matters and the failure of the Alliance Bank, and elicited only disappointing replies. Quite a volley of supplementary questions was showered on the Finance Member when the question regarding the Alliance Bank was answered. But the President came to

his rescue and stopped these passages-at-arms by observing that the proceedings were degenerating into a debate. Sir Basil Blackett answered all the questions with remarkable frankness, but on one occasion he chose to give an evasive reply. Asked as to whether the initiative of asking the Imperial Bank to pay 50 p. c. to the creditors of the Alliance Bank came from the Government themselves or from the Secretary of State, he replied amidst laughter that it came from both ends. Great concern was shown by the Assembly when the question about the health and release of Lala Lajpat Rai was answered on the 4th.

### O n K e n y a

The matter of urgent public importance which engaged the greatest attention was the one connected with the settlement regarding the Kenya question, and over this Mr. Seshagiri Ayyar wanted to move the adjournment of the House on the very first day the Legislative Assembly met; but it was over-ruled by the President. Mr. Agnihotri the same day wanted to move an adjournment of the business of the Assembly for the purpose of discussing the position of Indians overseas, the negotiations then proceeding in London in respect thereof, and to define a policy. The President held that it did not come within the rule. On the 17th July, Mr. Seshagiri Ayyar again asked for permission to move the adjournment of the House to call attention to the Kenya negotiations, but the President held that the only means by which a motion for adjournment could then be taken would be some authentic official information regarding a new development of great significance which had not before been discussed, and in the absence of such information he could not allow him to make the motion. The Government allotted Saturday, the 21st July, for Mr. Seshagiri Ayyar's resolution on the subject and it was discussed at length. But soon after the debate the decision of His Majesty's Government was announced (see *post*) and on the 27th July Mr. K. C. Neogy, who had given notice of a similar motion, having withdrawn it in favour of Mr. Seshagiri Ayyar, the latter made a further attempt to move the adjournment of the Assembly. The President again ruled the motion out of 'order, and held that the decision made by the Home Government was one for which the Governor-General was not primarily responsible. Rao Bahadur T. Rangachariar wanted to throw a responsibility on the President by making a request, under paragraph 22, sub-clause (2) of the rules of business, that the President should accord him leave under that clause, after the legitimate business of the day was over, to move the following resolution:—

"The Assembly recommends to His Excellency the Governor-General in Council that inasmuch as His Majesty's Government have decided to ignore the

united representations made by the Government of India and the people of this country on the Kenya question, he may be pleased to take early steps :

- (i) to cease to take any further part in the British Empire Exhibition, and
- (ii) to explore the possibility of imposing prohibitive tariffs on all imports from the colonies and dominions."

The President referred to Standing Order 50 and expressed his inability, as the consent of the Member of Government in charge had not been obtained, to admit the Resolution for discussion. And that is the record of work of the closing session of the Assembly on the Kenya affair !

#### Official Bills.

The 2nd and the 5th of July being days of official business, Government introduced a number of unimportant and minor bills on the first day and got some of them passed the second day. The most important motion on the first day was that made by Sir Basil Blackett to refer the bill further to amend the Indian Stamp Act for raising the duty on certain non-judicial stamps to a Select Committee. Being a money bill, some members decided to oppose it as a protest against the Viceroy's certification, but when the motion was formally made no non-official member got up to speak against it, and the motion was carried by 38 votes to 27, a triumph for Government.

#### Non-Official Bills

Tuesday, the 3rd July, witnessed heavy "casualties" among the non-official bills set down for discussion. With the solitary exception of the passage of Dr. Gour's bill further to amend the Code of Civil Procedure, not one bill was able to get the support of the House. Lala Girdharilal Agarwalla's bill to repeal the Criminal Law Amendment Act, Part II, under which the Government had made such wholesale and indiscriminate arrests of National workers as in December 1921, was heavily defeated by 46 votes to 20 after a severe indictment from the Home Member. Dr. Gour's bill to raise the 'age of consent' met the same fate.

#### Non-Official Resolutions

July 4th was the next non-official day. There were five resolutions on the agenda paper, out of which the Assembly could dispose of only one and the debate on the second resolution which lasted over full three hours was adjourned owing to the lateness of the hour.

The first non-official resolution moved was on the Indian Army. Sir Sivaswamy Aiyer moved :—

"This Assembly recommends to the Governor-General in Council that he will be pleased to urge upon the Imperial Government the necessity for promptly giving effect to Resolutions 7, 8, 10 and 11 of the Assembly passed on the 28th of March 1921, in connection with the Escher Committee's Report with the concurrence of the Government of India."

Sir Sivaswamy complained that though the Resolutions had in 1921 been passed with the concurrence of the Government of India they had been given effect to only in part, and he asked the House to express its opinion as to the very unsatisfactory character of the progress, and to urge the Government to make a further representation. The Assembly had requested that Indians should be freely admitted to all arms of His Majesty's military, naval and air forces in India: but the proposal to admit them to the Royal Artillery and the Royal Engineers had been rejected. The admissibility of Indians to the Marine services was yet to be considered by a Committee. The Royal Air Force was still closed to Indians. He also objected to the small percentage of Indians who were being admitted annually to the King's Commissions; he did not consider that the college at Dehra Dun would meet the requirements, and he suggested the opening of another central school at Bangalore or Poona. He also pressed for the establishment in India of a Military College such as Sandhurst.

The reply that Mr. Burdon, the Army Secretary, gave was a revelation. In one word Government was not going to perpetuate the error of accepting the resolutions of 28th March 1921. They were not prepared to risk the efficiency and traditional reputation of the Indian Army by making any large and revolutionary change, such as would be involved by immediately replacing British officers in large numbers by Indian officers without having the proof of some well-chosen experience that the risk would not be unduly great. The Home Government had good grounds for its reluctance to go further. Even if Indianization were broadened, it would be impossible to obtain suitable candidates. The present number of 10 cadets a year was obtained with difficulty. The Central Board advocated by Sir Sivaswamy already existed, though it did not contain non-officials. The creation of an Indian Sandhurst, was clearly impracticable. The Government of India must be allowed to choose their own time for making further representations to His Majesty's Government who were finally responsible for the security of India, and there was no intention of shifting this 'responsibility'. He therefore moved the following amendment:—

"That for the words 'urge upon' to the end of the Resolution, the following be substituted, namely, 'take the first favourable opportunity of representing once more to His Majesty's Government the necessity and desirability of giving effect, as soon as circumstances render it practicable and advisable to do so to those portions of Resolutions Nos. 7, 8, 10 and 11 of the Legislative Assembly passed on the 28th March 1921, which have not yet been carried out.'"

Sir Devaprasad Sarvadhicary, Mr. T. V. Seshagiri Ayyar, Dr. Gour, Baba Ujagar Singh Bedi, Mr. Shahani, and Mr. Hussanally opposed the amendment, while Colonel Gidney supported it. His Excellency the Commander-in-Chief, in addressing the House



remarked that there appeared to be some misconception as to what the Members actually meant by the admission of Indians into the Royal Air Force, the Artillery and the Engineers. These were essentially British units. Though serving India and paid for by India, they were British units in the sense that they were here for a certain period, but they must pass away and go and do their duty in other parts of the Empire. He made a pathetic appeal to the House to take things as they are and accept the amendment.

Put to vote the amendment was negatived by 52 votes to 30, and the Resolution was adopted.

### On the Viceroy's Powers

The second Resolution related to constitutional issues arising from the imposition of the Salt Tax. Dr. Nand Lal moved that : "This Assembly recommends to the Governor-General in Council that he may be pleased to take necessary steps to get section 67B of the Government of India Act amended so as to provide that the Governor-General shall not use his special emergency powers of certification under section 67B to over-rule the decision of the Indian Legislative Assembly." Dr. Nand Lal complained that the rights conferred under the Government of India Act, 1919, were not adequate, and pointed to a very large number of Indians who had characterised them as political jugglery. He condemned the manner in which the increase in the salt duty had been carried against not only the wishes of the Assembly but those of the whole country under the certifying powers of His Excellency the Governor-General.

Sir Malcolm Hailey in opposing the Resolution referred to the power of the Governor General as an exceptional power, granted by law, which had only twice been utilised. As a fling to the Indians, he said : "At all events this unwarrantable exercise of autocratic power has certainly caused less trouble, less harm to the peace and contentment of the country than the programme of peaceful and soulful persuasion of which we have just seen the decline, and I hope I may say the fall"—meaning thereby the N-C-O movement. He asserted that the Liberal party in India had never objected to the power of certification under the Reforms Act and in fact the existence of this power was the condition precedent to the passage of the Government of India Act. The Home Member enquired if the House would prefer to go back to the old plan of the Council of State or the system of a Grand Committee, or prefer that the British Parliament itself should on occasions of emergency legislate for India, or, again, it would prefer the exercise of the Royal prerogative, and asserted that if he were an Indian he would on every ground prefer the retention of the present power.

Mr. Seshagiri Ayyar in supporting the Resolution declared that the power of certification was dangerous to the Assembly, and it would not be safe to the Government itself because it was making it more unpopular than ever. Mr. Samarth was not in favour of doing away with the powers of certification altogether, but he felt that some restriction of those powers was necessary. Mr. J. N. Basu moved the following amendment :—

"This Assembly recommends to the Governor General in Council that he may be pleased to take necessary steps to get section 67B of the Government of India Act amended as follows :—

(1) The words 'or interests' occurring between the word 'tranquillity' and the words 'of British India' be deleted.

(2) The Proviso be amended as follows :—

(a) The word 'grave' be inserted before the word 'emergency' and the following be inserted after the word emergency :—

'such as foreign invasion, civil war or widespread internal commotion and in no other circumstances.' "

Mr. Basu recognized that every Government should have certain emergency powers, and argued that section 67B under which certification had been made had no application to any taxation measure. He contended that the section applicable was section 67A, and under it the Governor-General could only authorise such expenditure as was in his opinion necessary for the safety or tranquillity of British India. Sir Malcolm Hailey in opposing the amendment pointed out that Mr. Basu had confused the relations of the two sections, 67A and 67B, which referred to two entirely different matters and went on giving his own commentary on these sections. Sir Devaprasad Sarvadhicary joined issue with the Home Member on his interpretation, refused assent to the sweeping change proposed by Dr. Nand Lal, and confirmed his support to the portion of Mr. Basu's amendment relating to the deletion of the "or interests." Mr. Samarth said that in September 1921 Government themselves had brought about the amendment of a resolution urging examination of the working of the Act before 1929, and he accused Government of quibbling now. It being nearly 6 o'clock, on the motion of Sir P. S. Sivaswamy Aiyer, opposed by Sir Malcolm, the debate was adjourned to the next non-official day, the 10th July.

When the debate was resumed on the 10th, Mr. Harchandrai Vishindas supported the first part of the amendment, and argued that even if the necessity of reserving such power was recognized in 1919, it did not follow that the scheme should be persisted in when it had failed. Rai Bahadur Jadunath Mazumdar said that if the Assembly was to have any real power, the Governor-General's powers should be restricted ; otherwise the Assembly would become a mere advisory body and it was no use having it. Captain Sassoon opposed both the Resolution and the amendment, and pleaded for

the growth of a convention restricting the Governor-General's powers. Mr. C. S. Subrahmanyam failed to see what the amendment, if carried, would achieve. The better opinion did not demand legislation piecemeal but the revision of the whole Act, so as to bring the constitution of India into conformity with the wishes of the country. Moreover, it did not become the Assembly to stultify itself by passing Resolutions to which effect could not be given. At the time of voting, however, he voted with the Government. Dr. H. S. Gour characterised the situation as alarming when, through the exercise of powers under section 67B, the Government could convert its minority into a majority. All Government measures were necessary, and there was no guarantee that they would not all be certified. He did not favour the Resolution but supported the first part of the amendment. Mr. Haigh, a Bombay Civilian, observed that a constitution was nothing more than a device for enabling those who were entrusted with the actual management of the country's affairs to carry on their work. He enquired how the Executive could carry on its duties in a legal manner and pointed to the admitted theory of the British constitution that the Executive must have power to carry legislation which would enable it to carry on the business of the country, and if it could not do it, it must disappear and be replaced by another Government which was impossible in India. Dr. Nand Lal in his reply pointed out that he had brought in the Resolution with a view to warning the Government of the discontent in the country. He was neither a Goth nor a Hun, as the Home Member charged those who wanted advance to be "pacific Goths and constitutional Huns." When put to vote the first part of the amendment was carried by 38 votes against 36 and the second part was withdrawn, Messrs. Subrahmaniam, Dalal, Barodawala, Sassoon, Abdul Rahim, Mahomed Hussain and Muppil Nair voting against.

### Release of Mahatma Gandhi & Others

Next day, July 11th, came the great debate on the release of Mahatma Gandhi and other N-C-O leaders. The originator of the motion was Munshi Abdur Rahman of Chittagong but he was not present and Mr. Seshagiri Ayyar moved the resolution on his behalf. The motive behind the resolution was an 'electioneering trick' to show that the supporters were alive to the interests which were nearest to the heart of the country at large but there was no vigour nor warmth nor sincerity in the eight or nine non-official speeches in support of the motion. The so called "Nationalistic" party of Sir Sivaswamy and Mr. Samarth voted solidly against the motion and with Govt.

Mr. Seshagiri Ayyar moved :—

"This Assembly recommends to the Governor General in Council that he may be pleased to set at liberty at an early date Mahatma Gandhi, Maulana Hasrat Mohani and Maulana Mohammed Ali and others who were convicted at the Karachi trial." The mover briefly traced the history of the non-co-operation movement and remarked that though non-co-operators might have made mistakes that did not afford any justification for keeping them in jail. They had made great sacrifices, and had helped to avoid a good deal of bloodshed. Mr. Seshagiri Ayyar claimed that Mr. Gandhi would be a great asset in favour of peace and tranquillity, law and order; and his release, in view of the forthcoming elections, was eminently desirable. Sir Malcolm Hailey reminded the House of a similar debate in 1922 to show how little Mr. Seshagiri Ayyar realized the real tenour of the non-co-operation movement and its effect in the country. Sir Malcolm then enquired in whose interests the application for release was made. It would be unworthy to suggest that it had been made in the interests of those who put the motion forward. It could not have been made in the interests of the prisoners themselves, because Mr. Gandhi had repeatedly declared that he was opposed to asking for any concession. Sir Malcolm continued: "I will join issue at once with Mr. Seshagiri Ayyar in suggesting that Mr. Gandhi is our greatest asset in the cause of the peace, quiet and contentment of this country . . . what has been Mr. Gandhi's mentality in the past, what has been his political career, and with what results has that career been attended? In the interests of what class is it that he should be released? Sir Malcolm showed how it had culminated in the doctrine to initiate the practice of "civil disobedience," which meant "the deliberate and wilful breach of non-moral laws, that is, laws the breach of which does not involve moral turpitude, not for the purpose of securing a release or relief from hardships arising from the disobedience of such laws, but for the purpose of diminishing the authority of, or overthrowing, the State." Turning to Mr. Mohammed Ali and Mr. Shaikat Ali, Sir Malcolm like his chief Sir William Vincent poured forth all the bureaucratic venom that he was capable of and said these two men have been stormy petrels wherever they have appeared, and he gave a perverted history of their activities, which included, he said, the preaching of Jehad, the advocacy of the use of violence, and attempts to subvert the loyalty of the army. Maulvi Mian Asjadullah, in a speech in Urdu, moved the omission of the words "Maulana Mohammed Ali and others" from the Resolution, contending that their case had already been debated in the Assembly, and it was no use asking Government to release them only two months prior to the expiry of their term. The amendment was adopted. Rai Bahadur Pandit Jawahar Lal Bhargava moved an

amendment "that between the words 'and Mahatma Gandhi' and 'Maulana Hasrat Mohani' the words 'Lala Lajpat Rai' be inserted, and that the words 'who were convicted at the Karachi trial' be omitted." Mr. Venkatapatiraju regretted that the Resolution should have been brought before a Government which did not understand the non-co-operation movement, or the spirit of sacrifice which had prompted so many people to go to jail. He supported both the amendment and the Resolution. Professor Shahani contended that the Government was not without blame for the attitude Mr. Gandhi and others had had to adopt. Colonel Gidney felt that the Resolution if accepted would put India back to the unsettled period of a few years ago. Mr. Harchandrai Vishindas claimed that Mr. Gandhi's release would be for greater tranquillity and peace. Dr. Gour supported the release of political prisoners in the interests of the country at large, and he claimed that neither directly nor indirectly had Lala Lajpat Rai fomented anarchy, riot or bloodshed. Dr. Nand Lal also supported the amendment. Sir Malcolm Hailey, in replying, remarked that if the Legislature could demand the release of any prisoner, it would render the judiciary and the whole course of justice ridiculous. The amendment was negatived by 42 votes against 24. Rao Bahadur C. S. Subrahmanayam moved an amendment to add the following words at the end of the Resolution:—"On receipt and after due and merciful consideration of such representation as may be received from the said persons." He complained that the debate in the House had done great disservice to the persons concerned. In order to do them good members ought to persuade the Government to be lenient, and these persons themselves not to defy the authority of the Government. Sir Malcolm Hailey felt unable at this stage to bind himself to releasing these gentlemen on receipt of their representations, and opposed the amendment, which was lost without a division. The original motion was also lost by 40 votes to 22 amidst loud and prolonged cheers from the treasury benches.

On July 12th, six important non-official Resolutions were on the agenda but only three were disposed of. The first was by Sir Devaprasad Sarbadhicary for appointment of a committee to consider whether financial support to the League of Nations should be continued to be given by India in view of Indian grievances in the mandated territories of Tanganayika etc. Sir Devaprasad's idea was to bring constitutional pressure to bear on the disabilities of Indians abroad, but the thought of talking of the great League of Nations in that way distressed the 'Nationalist' leaders, for was not India an equal partner in the League, and were not great Indians going every year to the great League and sitting on the same table as the great

statesmen of the world? So Sir Sivaswamy, Dr. Gour and Mr. Joshi opposed the resolution which was eventually withdrawn.

### On the Imperial Services

Mr. Agnihotri then moved the following Resolution *anent* the Lee Commission :—

"That this Assembly recommends to the Governor General in Council that no alteration in the pay, pension or other service conditions of Imperial Indian Services be made before giving the Indian Legislature an opportunity for an expression of their opinion thereon."

He did not want to restrict the powers of the Secretary of State but there was a suspicion that India was being governed more in the interests of the services than in the interests of the Indians themselves and this suspicion was confirmed by Mr. Lloyd George's despatch and by the appointment of the Royal Commission. Dr. Gour moved the following amendment.—

"This Assembly recommends to the Governor General in Council that before taking any action on the recommendation of the Royal Commission on Public Services an opportunity be given to this House to express its views upon their recommendations."

He regarded the Resolution as too wide, and argued that if India wanted first-class men, they must be paid what they asked for. With the growth of public control the power of the Civil Service must diminish and in course of time the Civil Service must occupy a position of relative inferiority; but the hearty co-operation and goodwill of the Indian Civil Service was still necessary for the success of the reforms. Moreover, Dr. Gour observed that if they were to be accorded a place of relative inferiority, their emoluments could not but be enhanced. Also, the Commission might make recommendations affecting the Provincial Services. Sir Malcolm Hailey recognized the moderation with which Mr. Agnihotri had moved the Resolution, and Dr. Gour had moved the amendment, but, he said, the proposal was impracticable. He gave an assurance however that the recommendations would be laid before the Assembly, but at the same time he wanted members to realise that if after the Commission had reported the Secretary of State found that measures affecting the services were urgently required, he may pass orders without any reference to the Assembly and even before it could meet to consider them.

Mr. Neogy said that the Executive Government should place before the Legislature all questions relating to the Imperial Services. As the Assembly had to find the money, Mr. Neogy felt that it was only natural that it should have a voice in such matters. He opposed the amendment and supported the Resolution. Mr. Pearey Lal thought that after the assurance given by the Home Member the Resolution ought to be withdrawn. The amendment was put to the

vote and lost without a division. The Resolution itself was lost by 33 votes against 25.

The third resolution of the day referred to provision for saving the town of Dera Ismail Khan from the corrosion of the Indus which was very much threatening the town. It was moved by Mr. Subrahmanyam. An amendment was moved by Mr. A. C. Chatterji to share the expenditure on the scheme between the Municipality of Dera Ismail Khan and the Govt., and this was accepted and carried unanimously by the House.

The House assembled again on July 16th for official business, and sat only for 3 hours. Col. Gidney at the outset wanted to move an adjournment of the House on the question of unemployment of his community (Anglo-Indians and Eurasians) but he was ruled out of order. Mr. Chatterji introduced a small bill to amend the Electricity Act. The Stamp Bill proposing to enhance stamp duties to enable local Governments to raise revenue was finally passed, as well as 5 other amending bills viz., the Criminal Procedure Act, the Lunacy Act, the Indian Territorial Force and Auxilliary Force Acts, Indian Army Act and Cutchi Memons Act.

### The Council of State

On July 16th the first meeting of the short Simla session of the Council of State was held with a poor non-official attendance. The agenda contained five important non-official resolutions but the authors of two of them were absent, namely (1) Mr. Raza Ali who wanted to urge the Government to find a satisfactory solution of the Kenya problem which Indians considered a test case, and (2) Mr. Sethna who wanted to move for a mixed committee to enquire into the economic condition of the agricultural population.

Sir Purshottamdas Thakurdas asked an important question on the financial disputes between the Govt. of India and His Majesty's Govt. and asked for related papers, to which Govt. gave an evasive reply. Then he moved that :—

"This Council recommends to the Governor General in Council that in all matters where the apportionment of financial liabilities between the Govt. of India and His Majesty's Govt. may be in dispute, no compromise should be made between His Majesty's Government and the Government of India without the previous sanction of the Indian Legislature. This Council further recommends to the Governor General in Council that in such cases where arbitration is resorted to the arbitrators of such disputed items between the Government of India and His Majesty's Government shall be the Premiers of the Empire in Conference assembled and nobody else."

The mover showed that in matters relating to military, naval, political and administrative charges several occasions had arisen for differences of opinion between His Majesty's Government and the

Government of India, and in almost all of these, the latter, barring one or two bright exceptions, had had generally "to swallow the humble pie". Sir Purshottamdas observed that the Governor-General in Council must accept and carry out the orders he received from the Secretary of State, and the Secretary of State must accept the decision of the Cabinet of which he was a Member. "It is because of this movement in a circle.....that I suggest that in cases where the interests of His Majesty's Government and of the Government of India clash, the Secretary of State should not enforce his authority on the Governor-General, but in all fairness, in accordance with what would be done in ordinary dealings between two parties, he should let an impartial tribunal decide on the difference of opinion". Sir Annamalai Chettiyar, Sir Maneckji Dadabhoy, and Rai Bahadur Lala Ram Saran Das were unanimous in supporting the first part of the Resolution, though there was some difference of opinion as to the constitution of the tribunal proposed, and Sir Maneckji Dadabhoy moved the following amendment :—

"That for the sentence beginning with "This Council further recommends" down to the end of the Resolution, the following words be substituted :—

"This Council further recommends that in order to deal with such disputes between His Majesty's Government and the Government of India, necessary legislation be undertaken to provide and vest in His Excellency the Governor General, the right of absolute veto, as far as the additional claim by His Majesty's Government is concerned, subject to the decision of the Houses of Parliament to raise such veto."

Sir Maneckji Dadabhoy's amendment did not commend itself to the House, and owing to the absence of many non-official members, Govt. easily carried the day. The first part of the Resolution was lost by 14 votes against 10, and the second by 13 against 10.

#### Indian Gold Currency

The Hon'ble Sirdar Jogendra Singh next moved that the pound sterling be made a legal tender in India with Rs. 15 to the pound and that the words in the Currency Act which make Rs. 10 a legal tender to the pound be deleted therefrom. The mover said that almost all countries in the world had recognised gold as their standard currency and it was only in India that no stable currency had been fixed. Even in olden days India had a gold currency and it was only in 1835 that it was positively declared in the interest of foreign merchants that gold was not to be accepted as legal tender. The question of fixing currency had been pressed upon the Government for the last hundred years. On Govt. assuring the House that they were making earnest efforts to stabilise exchange, the mover withdrew the resolution.



### Restriction of Powers of the Council of State.

On July 17th, the Assembly met for important non-official resolutions. Another attempt was made to amend the reformed constitution, specially relating to the powers of the Council of State. A Resolution was moved by Mr. Samarth on this day in the following terms :—

“ This Assembly recommends to the Governor General in Council that effect be given, by an amendment of the Government of India Act if necessary, to the statement of the Joint Parliamentary Committee that they have so constituted the Council of State as to be ‘ a true Second Chamber ’ by making it obligatory to observe in practice the following principles :—

(1) Bills appropriating revenue or money or imposing taxation or containing provisions incidental to the financial arrangements for the year shall originate only in the Legislative Assembly :

Provided that a Bill shall not be taken to fall under this category by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licenses or fees for services under the law proposed therein.

(2) The Council of State may not amend any Bill falling under the category aforesaid.

(3) The Council of State may not amend any Bill so as to increase any proposed charge or burden on the people as voted by the Legislative Assembly.

(4) The Council of State may, within the time laid down by the Legislative Assembly, return to the Legislative Assembly any Bill which the Council of State may not amend, requesting by message the omission or amendment of any items or provisions therein. And the Legislative Assembly may, if it thinks fit, make any of such omissions or amendments with or without modifications.

(5) Except as provided hereinabove the Council of State shall have equal power with the Legislative Assembly in respect of all proposed laws. ”

Mr. Samarth argued that the Upper House should have no power to deal with money Bills which should originate in the Assembly and should be sent to the Upper House only for information and should not be amended, as was done at Delhi. He relied on the English constitution and on the constitution of the Dominions to show that wherever a second Chamber existed, it did not possess power over money Bills. He advised the Government to give in a graceful manner what the legislature might ultimately wring out of its unwilling hands. Sir Malcolm Hailey in opposing the Resolution contended that though the Legislative Assembly voted supplies and dealt with the Budget, the Government of India Act obviously did not intend to exclude the other House from dealing with money. India, he said, had not yet grown constitutionally to that extent. Mr. Seshagiri Ayyar disagreeing with Mr. Samarth felt that an amendment of the law would be required in order to secure the rights advocated in the resolution, but relied on section 67A of the Government of India Act to show

that its framers had intended that the Council of State should have nothing to do with money Bills. Sir Devaprasad Sarvadhicary also supported the Resolution and pleaded for an increase of the responsibilities of the Assembly. Sir Sivaswami Aiyer contended that the question was not as to the construction of the statute but as to what the functions of the second Chamber should be.

The non-official element in the House was unhappily weakened owing to an unforeseen circumstance. Some twelve members had gone to the Railway Station to pay their last respects to the late Mr. Bajjnath Prasad who had died that morning and whose body was then being removed from Simla to the plains. The result was that when the motion was put to the vote it was lost by 30 votes against 35.

### Whitehall's Interference.

Another resolution equally affecting the constitution was moved on this day by Sir Sivaswamy Aiyer in the following terms ;—

"This Assembly recommends to the Governor General in Council that he will be pleased to move the Secretary of State to establish a convention as recommended by the Joint Select Committee and contemplated by Section 19A of the Government of India Act, of non-interference, save under exceptional circumstances, in matters of purely Indian interest where the Government and the Indian Legislature are in agreement."

The object of this Resolution was to strengthen the hands of the Government of India and for this purpose Sir Sivaswamy quoted extensively from the report of the Joint Parliamentary Committee in support of his proposition. Dr. Nand Lal supported the Resolution. Sir Devaprasad Sarvadhicary at this stage moved the adjournment of the debate in order to enable members to be present at the station when the remains of Mr. Bajj Nath Prasad Singh were sent by train to Hardwar. The motion was agreed to, and the debate was adjourned.

### Secretary of State's Despatch

Next day, the 18th July, a resolution of even greater constitutional importance than the last two was moved by Dr. Gour in the following terms :—

"With reference to the Secretary of State's Despatch on the subject of further Reforms, this Assembly recommends to the Governor General in Council to be so pleased as to move the Secretary of State to carry out his suggestion contained in his Despatch on the subject of further Reforms possible under the existing constitution."

Dr. Gour pleaded for a relaxation of the control of the Secretary of State over the Government of India and the framing of rules for

the transfer of subjects from the Reserved to the Ministers' Department and quoted from the Secretary of State's despatch on further constitutional reforms to show that there was room enough for such advance within the Act itself. He relied on sections 19A, 96B (2) and 45A (a) of the Government of India Act, and said that section 19A empowered the Secretary of State to relax his power of superintendence, direction and control over the Government of India; section 96B (2) enabled the Secretary of State to empower the Governor-General in Council to make rules regulating the Public Services, and section 45A (a) laid down that provision might be made by rules for the transfer from among the Provincial subjects to the administration of the Governor acting with Ministers. Dr Gour complained that these provisions of the Government of India Act had not yet been fully exploited though they afforded room for further expansion. Sir Malcolm trotted out the usual plea that Govt. was doing their best to act up to the spirit of the Reforms but he opposed the resolution vehemently on the ground that the Secretary of State never meant to divest himself of his powers as contemplated in the Resolution. He had his own reading of the despatch and treated the House to a disquisition on constitution which was highly resented by the non-officials.

Rao Bahadur T. Rangachariar said that the non-officials had striven their best to give responsive co-operation to the Executive Government in carrying out the reforms, but it was a response which did not provoke a response on the other side, and he complained that the plain meaning of the Home Member's speech was that, though the law might have clothed the Executive with the power of divestment, they were not going to do anything of the kind. He warned the Government that even those who believed in the Act and in responsive co-operation were gradually losing faith in the Government. The Resolution was carried by 43 votes against 30.

#### The Alliance Bank affair.

The same day Sir Sivaswamy Aiyer moved the following Resolution :—

"This Assembly recommends to the Governor General in Council that he will be pleased to express his disapproval of the action and policy of the Finance Department of the Government of India in undertaking a present or contingent liability to the Imperial Bank for losses consequent upon the failure of the Alliance Bank of Simla."

This was in fact a censure resolution on the Finance Department of the Government of India and there was a great marshalling of forces on both sides. Sir Sivaswamy Aiyer thought that the Government was not justified in undertaking a liability—actual or contingent, and he argued that the principle of minimising the hardship to

depositors could not be accepted, as Government could not help one insolvent Bank alone; they could not have come to the rescue on account of the limitations of such a principle as a ground of action as it would soon exhaust the resources of the Government and land it in bankruptcy. Sir Sivaswamy declined to believe that the failure of the Alliance Bank could have brought about universal collapse of credit; and if the Imperial Bank could not have come to the rescue on account of the limitations on its powers, the Government ought to have removed those limitations instead of intervening in the manner in which they had done. If it was a matter of urgency, the Governor-General could have passed an Ordinance. Captain Sassoon, who followed, did not understand why the depositors of the Alliance Bank should have been specially favoured, or why the shareholders of the Imperial Bank should lose interest. He held that the Government could not afford to let 4½ crores of rupees lie idle with the Imperial Bank as cover for the guarantee; for in that case they would have to borrow either from the public or from the Bank and to pay interest. Captain Sassoon asserted that the agents of Government, meaning the Imperial Bank, had done all they could to prevent the association of Indian liquidators, whereas Government ought to have pressed for such appointment in order to prevent suspicion. He asked the Government to have a firm of Indian accountants appointed with the object of finding out whether any irregularities had been committed by the management which would bring them within the reach of the law, and to bring the offenders, if any, to justice.

Sir Basil strongly repudiated the suggestion that Government had taken action because it was a European firm, or in order to shield Europeans, and he assured the House that if the facts brought to light by the liquidators or the Committee of Enquiry showed that there was a case for prosecution, Government would not hesitate to take action with all possible vigour. Sir Sivaswamy Aiyer tore to pieces the defence set up by Sir Basil and repeated his suggestion that the matter should have been dealt with by an Ordinance, which would have run for six months, and the Government could have come up, at the end of the period, to the Legislature to pass a law enabling the Imperial Bank to deal in securities in which it could not before have dealt. He accused the Financial Secretary of giving a false and misleading information to the Indian Merchants' Chamber, Bombay. The Resolution was carried by 48 votes against 39.

Next day the Home Member bustled in to the House and made a statement on behalf of himself and Mr. A. C. Chatterjee to remove, as he said, misconceptions regarding the previous day's censure resolution.

The whole Government, he said, shared the blame with the Financial Secretary and that but for the motion of closure, both he and Mr. Chatterji would have said so openly in the House. He further averred that the action taken by the Finance Department was not the action of that department alone but was the considered decision of the Governor-General in Council.

On July 19th the Assembly had a very short sitting. Business was confined to two non-official bills. Dr. Gour moved for a Select Committee on his Bill to prescribe a registered instrument as necessary for a valid adoption but in view of opposition in the House, he withdrew his motion. Mr. Rangachariar next asked for leave to introduce a Bill for the creation of an independent Bar in India. He said legal opinion in this country was unanimously desirous of having an independent bar, functioning in the same manner as the sister organisations in Great Britain and the United States. It was urged by Munshi Ishwar Saran in February 1921 through a resolution when the Government promised to be guided by public opinion. He waited to see if the Government took the initiative, but failing to find the Government move, he had taken it up. It was, he admitted, an important, complicated and a big question and opinion differed as to whether there should be one All-India Bar or Provincial Bars. Mr. Rangachariar was allowed to introduce his Bill and the Assembly then rose for the day.

#### The Kenya Day

On July 21st, the members of both the Houses of the Indian Legislature agitated themselves over the Kenya question and got back once more the oft-repeated assurance that the Government of India have acted as the most efficient post office between the Home Government and India. The decision of His Majesty's Government on this question was to be announced on the 25th July in London and so the legislators wanted to let it be known to the authorities that Kenya was a test case and that any decision adverse to Indian interests would be regarded as the violation of a solemn pledge of the rights of equal citizenship given at the Imperial Conference in 1921. The members of the Council of State finding that there was no time for them to discuss the matter in the Council itself approached His Excellency the Viceroy with a carefully prepared address while the members of the lower House obtained a special day and discussed the matter on the floor of the Assembly Chamber.

#### The Deputation to the Viceroy

Fifteen non-official members of the Council of State headed by Sir Maneckji Dadabhoy waited upon the Viceroy and expressed their views. The deputation sounded a note of warning that if the

rights of citizenship were not adopted in practice in a Crown Colony and if the solemn pledges given at the Imperial Conferences were to be thrown to the winds in order to satisfy the few clamorous white settlers, then the solidarity of the Empire itself would be in peril. The deputationists urged the Government of India to take to retaliatory forms of legislation if the decision of the Home Government were to go against the Indian case.

The reply of Lord Reading to the deputation were of the stereotyped character. He assured them that no time was lost by the Government from time to time to represent India's views on the matter to His Majesty's Government; that they would once more represent that the views of the Government of India were generally the same which had been expressed by the Indian legislature and so on and so forth. Lord Reading indicated that if a Crown Colony form of Government was decided to be maintained, India should welcome such a decision because that would help them to preserve the rights of citizenship to Indians. His Excellency safely left the suggestion of the deputation for retaliation and snubbed the members for pinning their faith in newspaper reports upon rumours and prophecy. The deputationists were generally unanimous in their view that the speech of Lord Reading was the most unsatisfactory and disappointing pronouncement ever made as it gave no indication as to what would be his attitude in case the decisions were to go against Indians.

In the Assembly Mr. Seshagiri Ayyar moved :—

‘That this Assembly being in full accord with the claims advanced by the Indian residents in Kenya in respect of franchise, immigration, segregation, the Uplands and similar matters, recommends to the Governor General in Council that he be pleased to move the Home Government to concede those claims.’

To this ‘milk and honey’ resolution there were a number of strong amendments urging retaliation. Khan Bahadur Mir Asad Ali supported the Resolution, but deprecated the talk of retaliation. Mr. Abul Kasem of Bengal observed that there was a limit to moderation. To him the British attitude appeared to be that when the Empire was in danger, India was an equal partner in averting it, but when it came to share in the booty Indians were treated as outcasts. Sir Jamsetjee Jeejeebhoy hoped that the Government of India would, if occasion demanded it, be prepared for retaliation. Sir Devaprasad Sarvadhicary and Baba Ujagar Singh Bedi also supported the Resolution. Mr. Rangachariar, who had given notice of an amendment, as he said, “in a spirit of despair and despondency,” did not, after the turn the debate had taken, move it. He declared that the Resolution grossly under-estimated the Indian feeling. Dr. Gour hoped that the British Cabinet would take a long view of

the matter, and that they would not introduce a question based upon narrow considerations of race and colour. The Resolution was unanimously carried.

SUPPLEMENTARY GRANTS for 1921-22 came up for discussion in the Assembly on the 23rd July. The Finance Member made an explanatory statement of the excess which had occurred under certain heads, and stated that they had been examined by the Public Accounts Committee, who recommended that the grant be given. Mr. Joshi supported the motion, but made some suggestions regarding fuller details in the appropriation reports and their earlier publication. He also referred to the powers of reappropriation within the Demand exercised by the Government, and suggested that these should be subject to the control of the Assembly. Mr. Vekatapatiraju said that there were various irregularities in every Department, but he recognized the advantage in the Public Accounts Committee having been able to scrutinize the administration throughout the previous year, and of the House having had an opportunity of judging how their representatives had done their duty. Sir Devaprasad Sarvadhikary found fault with the comparatively small excess under the nation-building Departments, and said that greater care was necessary with regard to the accounting. The Assembly agreed to the following excess grants :—

	Rs.
Expenditure chargeable to revenue . . .	1,95,00,183
Disbursements of loans and advances . . .	2,98,32,976

The Demand for a Supplementary Grant under OPIUM gave rise to a heated discussion. Mr. Rangachariar opposed it not on the merits, as he frankly admitted, but to show his displeasure at what he called the flouting of the Assembly last March. He began with a long review of the work done by the Assembly when he was called to order by the President. On old principle of "grievances before supply," he asked the House to reject the demand. Sir Devaprasad Sarvadhikary opposed the motion, on the moral ground, as he claimed, of the reduction of the opium traffic. Mr. Reddi made a short speech criticizing Mr. Rangachariar's attitude and contrasting it with his action in leading a deputation that day to ask His Excellency the Viceroy to veto a Bill which had been passed by the Madras Legislature. (Religious Endowments Bill). Khan Bahadur Abdur Rahim Khan supported the demand. Sir Sivaswamy Aiyer spoke at some length opposing Mr. Rangachariar's arguments, which, he thought, were the same as those of the non-co-operators. The principle of "grievances before supply" belonged to earlier days, and was in the last resort backed by an appeal to physical force. Sir Sivaswamy Aiyer saw no good in a "spasmodic, casual, solitary act of non-co-operation." Mr. Cotelingam regretted that Mr. Rangachariar should

have led the opposition to the supplementary grants. Sir Basil Blackett claimed that the Government of India had been one of the leaders in the general campaign in reducing, to the best of its power, the evils of the opium traffic. Towards the end of the 19th century the acreage under opium cultivation in the Indian States was over 400,000, but owing to the policy of the Government of India, this had been reduced in 1919-20 to 56,000. The income of the Government of India from opium had fallen from £7,240,000 in 1910 to less than £2 millions in 1920-21. On the attitude of general opposition taken up by Mr. Rangachari, the Finance Member remarked that the right question for the House to ask itself, whether on a Resolution or any other matter was, "will my vote in this matter hasten or retard the progress of constitutional reform in India?"; and he thought that a vote on this occasion for "grievances before supply" was surely not a vote that would hasten the time when constitutional reform in India would take a big step further forward! The grant was agreed to by 47 votes against 17 and no division was challenged in respect of the other two supplementary demands. The supplementary grants for 1923-24, assented to by the Assembly, stood as follows :—

	Ra.
✓ Opium . . . . .	77,00,000
Stores Department ; . . . .	1,41,000
Capital outlay on Telegraphs . . . .	10,45,000
	<hr/> 88,86,000 <hr/>

Only July 24th there was a short sitting of the Assembly to discuss mainly the Cantonment Bill which passed its final reading stage.

### The Reciprocity Bill

July 25th was a red letter day in the annals of Indian polity. On this day was published the famous announcement in India of Colonial office decision regarding Kenya (see *post*). On July 27th the Houses of the Central Legislature met in tense excitement. Government was heckled in both Houses by a series of questions regarding the Kenya White Paper and the part the Government of India had taken in the matter. A motion for adjournment was moved in the Upper House, while in the Assembly Dr. Gour moved his famous Reciprocity Bill regulating entry into and residence in British India of persons domiciled in other British possessions. The Bill proposed to arm the Government of India to make rules to enforce the principle of reciprocity and stipulated that rules shall be previously approved by the Legislature and that a committee of the Legislature shall be appointed to advise the Government in these



matters. Dr. Gour observed that the bill merely proposed to give effect to the resolution of the Imperial Conference of 1918 which definitely authorised India to legislate reciprocity. According to his information, Lord Sinha had drafted a bill for the purpose but it never saw the light of day. Referring to the theory of trusteeship of Africans so repeatedly put forward in the White Paper, Dr. Gour quoted from the distinguished historian Lord Bryce who, speaking of the treatment meted out by the Whites to the natives, observed that the Whites exploited the natives solely for their benefit and treated them like an ox. This exposed the hollowness of their pretensions about trusteeship.

Referring to the Kenya decision Dr. Gour said that Indians had lost on all points. (Home Member :—"All"? Dr. Gour "Yes".) Continuing, he said, segregation in the municipal area had been abandoned, but a bigger segregation by providing Highlands and Lowlands for the two communities respectively had been decided upon. He had read Mr. Sastri's interviews characterising the compromise as profoundly humiliating and as the biggest affront to India. Dr. Gour then showed how in South Africa also Indians were being equally humiliated.

The Govt. did not oppose the motion and the bill was thereupon introduced. Dr. Gour then moved that the bill be taken into consideration. The debate that followed was most exciting and animated. Mr. Rangachariar openly admitted it as a measure of retaliation and his "hear, hear" to Sir Malcolm Hailey's reference to it as the first of such measures left the impression that more such were to follow. Sir Sivaswamy Aiyer repudiated this view. Sir Henry Stanyon characterised amidst laughter the measure as "nonsense." The Hon. Sir Narasimha Sarma, the Government's spokesman, begged the House not to take any hasty action which would make the situation still more serious and grave and feelingly appealed to "the South African statesmen not to be the wreckers of Empire." Mr. Devaki Prasad Singha, the Bihar Member, demanded Sir B. N. Sarma's resignation. Then came the heavy strictures of the Home Member. While expressing with all his wily adroitness sympathy with the principle of reciprocity and vehemently declaring that the social disabilities under which Colonial Indians were labouring, "are unjust and cruel" and "such as every civilisation should disapprove of," he characterised Dr. Gour's bill as "ill-advised in the highest degree," and "useless in inflicting any injury upon the colonials." To Sir Malcolm's enquiry as to whether the Indians in Kenya themselves had demanded retaliation, Sir Sivaswamy promptly produced a cablegram of the Kenya Indian Deputation demanding India's withdrawal from the British Empire Exhibition and the Imperial

Conference. The Home Member's attempt to circulate the Bill for eliciting public opinion failed by 16 votes and the unusual process of introducing and passing the Bill at one sitting was completed after making many drafting and other amendments. The most important amendment was that of Mr. Abdul Kasim's which sought to convert the obligatory character of the Bill into a permissive one. It was carried by 47 votes to 31.

Lastly Dr. Gour moved: "The Bill as amended be passed." Sir Malcolm once more rose to oppose it and challenged the wisdom of the "dying Assembly" in passing this measure. Referring to Sir Narasimha Sarma's speech, Mr. Rangachariar retorted: "Sir B. N. Sarma preached the gospel of love. Gandhi preached the same gospel and you laughed at him. Moreover, love does not pay always." Munshi Iswar Saran also made a spirited attack upon Government. The bill was finally passed, the Government not daring to ask for a division.

### The M. L. A's Manifesto

Next day forty-four members of the Assembly led by Mr. Seshagiri Aiyar issued a manifesto on the Kenya question in the following terms:—

"The protracted negotiations about the status of Indians in Kenya are at an end. The decision has been announced and it is against us. Indians pleaded for a common electoral roll, they have been given only communal franchise. They wanted the removal of existing restrictions on acquiring agricultural land in the Highlands, the restrictions have been more than confirmed. They asked that the right of free immigration into Kenya which they have enjoyed for generations should in no way be interfered with. His Majesty's Government have decided to restrict this right. They had protested against any measure of residential or communal segregation, this has been grudgingly conceded in townships. Thus India has lost on all main issues. A settlement which does not concede the most important and vital demands of India is no compromise. It is a negation of justice, a sacrifice of claims essentially equitable and reasonable, an abject surrender to prejudice and clamour and a tragic violation of solemn pledges. The Imperial Conference of 1921 promised Indians equality of citizenship within the Empire. The Dominions which concurred in that resolution have as yet given little proof of their desire to translate it into practice. His Majesty's Government have departed from its letter and its spirit in case of a Crown Colony where Indians have been domiciled for centuries, the prosperity of which they built up by their enterprise and labour, and in the defence of which the Indian Army played a prominent part during the late war. The Government of India, we are assured, have striven their best to secure Indians bare justice, but the British Cabinet have over-ruled them on "several material points." We can draw but one inference from this and, that is, that kinship and colour have triumphed over right and justice. Kenya was rightly described as a test case of our patriotism and manhood. Could we acquiesce and accept lying down this unjust decision of the British Cabinet? As reasoning and remonstrance have failed, it is up to us to show our resentment and indignation by adopting stronger and more effective measures. They may involve a change in India's attitude towards Imperial solidarity but so does the decision taken by the British Cabinet

on the fundamental question. It is neither reasonable nor fair to expect India to observe obligations of loyalty to the Empire and allow other parts of the Empire to ignore them, but if this new policy is to succeed, it must receive the unanimous support of the country. We must pursue it with unity of resolve and endeavour, regardless of differences of party and political aim among ourselves. The vindication of National honour is not the duty of any particular section of Indian politicians; it is a common obligation of all. The Government of India cannot, and they should not, hamper us in this task. Their prestige is as deeply involved as our honour. For fifty years they have argued that the Indians must be treated as equals of any other class of His Majesty's subjects in the Dominions or Crown Colonies, but in South Africa, in Canada, in Australia, and even in Crown Colonies like East Africa or Fiji the claim is still only a remote ideal. Can they urge that patience and sweet reasonableness have served to soften prejudice or brought the attainment of the ideal nearer? They have helped us so far with their advocacy. Let them support us now in action.

"The present Legislative Assembly will soon be dissolved. It will be for our successors to take up the challenge in earnest, but before they meet next year it is necessary that an unanimous decision should be reached with regard to the steps that have to be taken to give effect to the policy indicated above. It is not possible at this stage to suggest specific measures to be adopted, but we must by no means forget that the protection of our compatriots overseas is as important a consideration as the vindication of our self-respect and we must not flinch from making any sacrifice, however heavy that may be entailed, in the achievement of our object. Our one duty now is to demonstrate to the world and to the Government here and in England that, patient as we have been in the face of provocation, we are not dead to the impulses of pride and honour."

The business of the Assembly was closed for the session with the passage of the Reciprocity Bill. Next day the Assembly was prorogued by the Viceroy.

## The Council of State

The second sitting of the Council of State was held on the 17th July when some bills passed by the Assembly was considered and passed. Next day, July 18th, six non-official resolutions were on the agenda. An important motion was on rural reconstruction by S. Jogendra Singh who wanted a Committee to organise agriculture and other village affairs but on Govt. opposing it was lost by 17 votes against only 7. On July 19th five official and three non-official bills which were passed by the Assembly came up before the Upper House. The official bills were passed. Of the non-official bills Mr. Seshagiri Aiyar's Bill on Hindu Inheritance was postponed till the next session while the Bill for the Restitution of Conjugal Rights was passed.

On July 23rd there were two non-official resolutions on the agenda. Sir Maneckjee Dadabhoy moved that an enquiry be made into the whole system of taxation in India with a view to its thorough revision on an economic, equitable and scientific basis with special regard to the taxable capacity of the people. He scathingly criticised

the prevalent system in which taxation here is dominated by the interests of people outside India, and mentioned categorically the cases, such as the duty on industrial alcohol, the excise duty on cotton goods, etc, where the interests of the Indian is sacrificed to those of British manufactures.

Sir Purshottamdas Thakurdas opposed the resolution although it looked most fascinating. If the same resolution had been moved by a Government member there would have been aroused a suspicion that the Government wanted to get more revenues and that the resolution was only a thin end of the wedge in that direction. We want retrenchment, he said, we want to balance the budget without any increase in taxation and until there is a surplus we cannot seriously consider the present suggestion. Mr. Lallubhai Samaldas opposed the resolution as it meant a costly roving commission touring from district to district and taking 20 years to come to the end of its labours. It was significant that Mr. McWatters on behalf of the Govt. supported the resolution. Sir Binod Chander Mitter moved an amendment to the effect that further consideration of this resolution be postponed till the opinions of local Governments were received. This was agreed to and the matter was postponed.

Syed Raza Ali moved a resolution to convey to His Majesty's Government through the Secretary of State for India the Council's sense of disappointment at the composition and personnel of the Royal Commission on Public Services in India, and its considered opinion that in order to allay the apprehensions produced in India it is absolutely necessary to add to this Commission two non-official representatives of Indian Public life. He said that now that the Commission had been appointed and was about to start its enquiries, there was no reason why they should not make the best of a bad job and endeavour to improve its personnel. His complaint was that there was not a single non-official on it. No non-official member supported the resolution and eventually it was lost without being pressed to a division.

On July 24th. only some formal business in the shape of passing bills already passed by the Assembly was before the Council. The last day, July 27th, was the Kenya day. Sir Purshottamdas Thakurdas asked a series of questions on the Kenya despatch to which Sir B. N. Sarma replied as best as he could. Sir Maneckjee Dadabhoy then moved his adjournment motion on Kenya and an excited debate followed in which Sir Purshottamdas Thakurdas and Mr. Raja Ali spoke strongly. Sir B. N. Sarma gave a long reply in the usual non-possumus vein, and after two hours, discussion the motion was talked out and the Council then adjourned *Sine die*.

## The Assembly Prorogued.

Business for the session having been finished on the 27th., the Viceroy came in state on the 28th July to prorogue the Legislature. His Excellency spoke for half an hour. The speech was punctuated with cheers and the legislators applauded when he reaffirmed the unshaking determination of His Majesty's Government to work the Reforms in the letter and in the spirit. The whole assembly cheered and laughed when His Excellency asked them to give him the same liberty of conscience in the matter of certification of the salt tax as he gave them for their opposition to it. His characterisation of the Kenya decision as a severe disappointment was received by the non-officials with loud applause, especially his observation that if after an examination of the White Paper it was found that the conclusions were unacceptable, then the decision would be accepted only under protest.

In a long review of the working of the first reformed legislature His Excellency expressed a general satisfaction. H. E. said: "Before I pass to your achievements in the working of the Reforms, I will examine the political situation regarding the Reforms. Those who are opposed to the true interests of India and are blind to her position in the British Empire and to the mutual protection and strength those ties assure have not been slow to allege that the Reforms are of a transitory nature, that they were the outcome of the political complexion of a moment, that they have neither substance nor permanency, that you live, in short, in a fool's paradise whose palaces and gardens will vanish in the twinkling of an eye like the passing of a mirage. Nothing could be more untrue. I came to India immediately after the initiation of the reformed constitution, pledged to carry on that constitution and entrusted with special and new responsibilities by His Majesty as Governor-General. ....

"It is now the recognised policy of the British Government, however constituted. There have been changes in Prime Ministers, changes of parties in power in England, changes in the personnel of the Secretary of State for India, but the fundamental policy as regards Indian Reforms has remained unaltered and it is the unshaken determination of the British Government to carry out those Reforms not only in letter but in spirit."

Turning to the work of the Assembly and its attitude towards Government with which it was so whole-heartedly co-operating, H. E. complained that "the Assembly itself has been at times despondent, there have been moments in this House when voices have been uplifted crying down the reforms as a niggardly gift and a sham. My sympathy at all times is with laudable desires for constitutional advance, of longings for a wider horizon, but when I examine the

position the Legislative Assembly has attained, the use it has made of its opportunities, the effect and dignity with which it conducts its debates and the broader effects of its powers upon the policy of the Government of India, I cannot but feel that the Assembly at times takes far too narrow and restricted a view of its potentialities and real influence and I must suspect that sentiment on occasion tends to obscure reason and dim the vision of these solemn promises of the British Government and of the charter of Indian liberties of which the Government of India Act is the repository."

### Lord Reading's First Impressions.

Recounting his first impression of Indian affairs on first coming to India and the attempt made by him to ease the situation, H. E. said:—  
'In the first place there was a deep tide of resentment regarding curtailment of liberties. The more progressive considered the statutory restrictions on the freedom of the press to be unnecessary, unduly restrictive and incompatible with the spirit of the Reforms. The same exception was taken to a number of special enactments restrictive of certain aspects of political agitation and known as the repressive laws and particularly included the Rowlatt Act. Strong terms were expressed to me as regards the number of British troops employed in India and the strength of the Indian Army and the burden of military expenditure. The military position was represented as showing a total want of confidence in India and as strangling the material expansion of the country by weight of the Army expenditure. Though Indianisation had begun in the civil services, the absence of any regular scheme of Indianisation of the army was quoted as a proof of the mistrust of Indians by the British element and as designed effectually to prevent the ultimate realization of responsible self-government in India. A like suspicion was alleged to be at the root of the failure to associate elected representatives of the people in advisory capacities with the problems coming before the departments of the executive Government. India was represented as dominated in fiscal matters by the British Government and by the economic interests of Great Britain. The stores policy of India was said to be dictated to stifle the expansion of industry in India and accusations were levelled that its main purpose was to place the maximum amount of orders with the British manufactures. Finally, the bureaucratic Government were charged with having established for the perfection of their own ends an unduly complex and expensive administration and with having expanded its activities in directions not desired by the Indian public and out of proportion to India's resources." These charges His Excellency tried to explain by the usual platitudes.

Turning to the Salt-Tax, his pet blunder, he next explained: "A special responsibility has been laid by the constitution upon the Governor-General in certain cases and in my judgment special powers are essential to the discharge of the duties of the Executive in the present state of constitutional development in India. Nevertheless the occasions of the use of these special powers should be and, I am happy to observe, have been rare. The most recent and notable instance of their exercise was in connection with the necessity for balancing the budget. The reasons for the action which I felt it incumbent upon me to take at that time have been published. My action provoked criticisms. I have no intention of re-opening the discussion save that I will add that in my opinion subsequent events have tended to confirm the wisdom of my original decision. The responsibility was grave and the decision rested with me alone. I trust that those in the Assembly who have felt and expressed themselves strongly on the subject will leave this House without any feeling of bitterness, holding their opinion as their consciences may dictate and acknowledging the same liberty to others who may differ from them among whom I count myself."

On the Kenya affair, he said: "The news of the decision regarding Kenya came to me and to my Government, no less than to you, as a great and severe disappointment, for India had made the cause of Indians in Kenya her own. As His Majesty's Government has stated: this decision conflicts on material points with the strongly expressed views of my Government as laid before the Cabinet by the Secretary of State for India. India's representations were fully placed before His Majesty's Government and received most patient and careful consideration, but we must record our deep regret that His Majesty's Government did not feel justified in giving greater effect to them. They have announced their decision and the Government of India must consider it and arrive at its conclusions. If submission must be made, then with all due respect to His Majesty's Government, it can only be under protest. It is not easy in India with strong feelings for the Indian side of the cause, to appreciate with real detachment the considerations which His Majesty's Government had to bring to bear on the difficult problem. Attention in India is naturally concentrated on the rights and claims of Indians while His Majesty's Government have a larger field to cover and wide responsibilities to exercise. His Majesty's Government have declared against the grant of responsible Govt. within any period of time. Further, they have refused to countenance the introduction of legislation designed to exclude from the British Colony immigrants from any other part of the British Empire. In addition they have definitely rejected the principle of segregation. On the question of the future control of immigration, no final conclusion has been reached. The principle

stated is unexceptionable and as a declaration of policy it will be welcomed by Indians. We are, however, uncertain as to the precise method by which immigration is to be controlled and how the control will affect Indians. But you may be reassured that I and my Government will use every effort to impress our views on this subject without delay upon His Majesty's Government.

"It is unfortunate that the last days of the first Legislature should have been overclouded by events regarding the treatment of Indians overseas. The principle of reciprocity had already been accepted by the Imperial Conference and therefore a Bill conferring powers on the Governor-General-in-Council in his discretion to make rules for the purpose enforcing reciprocity is in itself unobjectionable. But the moment selected for this legislation may in some quarters be regarded as unfortunate, especially when accompanied by speeches in favour of retaliatory measures. It is but natural that there should be a desire in your mind publicly to express your determination to befriend and support Indians overseas to the best of your ability ; but I must express serious doubt whether your object will be effected by these means. Will their position be improved politically and materially by steps in the nature of retaliation, and may it not have an opposite effect and make their situation more difficult? Have they been consulted? Is it their wish? Apart from other considerations, will it help India? I shall not dwell upon the subject. The Bill cannot reach the other Chamber this session and meanwhile there will be opportunity for further information and reflection."

After making this "funeral oration", as members called it, His Excellency then prorogued the Assembly to meet again, after the general election, in January 1924.

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**Legislation During the Simla Session 1923**

The first measure which came up before the Assembly was a Bill further to amend the INDIAN STAMP ACT, 1899, the principal object of which was to raise the stamp duty on promissory notes payable on demand. Sir Basil Blackett moved on the 2nd of July that it be referred to a Select Committee. An attempt to organise opposition to the Bill by way of protest against the certification of the Salt Tax in March proved abortive and the motion was agreed to by 38 votes to 27. In the Select Committee's report in the Assembly it was eventually decided to leave unaltered the rate of duty on demand promissory notes for Rs. 250 or less; to fix the duty at two annas in the case of notes of a value exceeding Rs. 250 but not exceeding Rs. 1,000; and to fix the duty in other cases at four annas. The Bill in this form was passed by the Legislative Assembly on the 16th and by the Council of State on the 24th of July.

The Indian PAPER CURRENCY Act, 1923, was designed to reduce the working costs of the mints by obviating the necessity of re-coining of withdrawn coin at a time when the stock of silver coin is large, and to increase from 5 crores to 12 crores of rupees the amount of emergency currency which may be issued against Bills of Exchange; the object of the latter provision being to provide additional currency at times when the trade demand is greater than usual.

**Code of CIVIL PROCEDURE Amendment Bill.**—Under section 60 of the Code of Civil Procedure, 1908, as it stood before the enactment of this measure, the salary or allowance of public officers and servants of railway companies and local authorities while on duty were protected from attachment in execution of decrees to the extent of (a) the whole salary where the salary was not in excess of Rs. 20 a month, (b) Rs. 20 monthly where the salary exceeded Rs. 20 but did not exceed Rs. 40 a month, and (c) one-half of the salary in any other case. A Bill was introduced to raise the limits of Rs. 20 and Rs. 40 referred to in clauses (a) and (b) above respectively, to Rs. 40 and Rs. 80, the object being to revise the provision in view of the increase in the cost of living which has taken place since the original provision was enacted.

**MAHENDRA PRATAB Estates Act.**—A Bill to provide for the forfeiture of the estates and other property of the exile Raja Mahendra Pratab Singh who tried to conspire with the Germans to overthrow British Rule, and for their grant, subject to conditions, to his son, which had been passed by the Council of State in March last, received the approval of the Assembly in July and became law.

**ABOLITION of TRANSPORTATION BILL.**—The Bill to abolish the punishment of transportation in respect of criminal

offences which had been referred to a Select Committee in March came up for consideration of the Select Committee's report by the Assembly on the 9th of July. The Select Committee suggested that further proceedings should not be taken on the Bill and that Local Governments should be consulted with a view to enactment of a measure calculated to replace sentences of transportation by sentences of imprisonment graduated in rigour. The report of the Select Committee was agreed to after the Home Member had made it clear that it was impossible to accept a suggestion emanating from Dr. Gour that the whole system of punishments in India should be revised on the lines of the system in force of the United Kingdom.

Another Government Bill which was passed into law was the **LAND ACQUISITION Amendment Bill**, which was designed to secure to persons whose land is likely to be needed for acquisition for a public purpose the privilege of objecting to the proposed acquisition before it is finally decided upon.

The **CANTONMENTS BILL** introduced at the end of March which aimed at liberalising the administration of Cantonment areas on Municipal lines was passed by the Assembly and laid on the table in the Council of State July 1923.

Mr. Girdharilal Agarwala attempted to introduce a Bill to repeal so much of the Indian **CRIMINAL LAW AMENDMENT Act, 1908**, as has not already been repealed. He contended that the conditions to improve which the Act was passed no longer existed and that it had been misused in many cases. The motion for introduction was strongly opposed by Sir Malcolm Hailey who referred to the outrages in Bengal between the years 1914 and 1917 on account of which action under the Defence of India (Criminal Law Amendment) Act, 1915, had been taken, and contended that this showed the necessity for some extraordinary powers. The Home Member observed that there were still persons in Bengal who were anxious to revive anarchism. In dealing with the charge made in the report of the Civil Disobedience Inquiry Committee that the Act had been misapplied against Associations whose avowed object was non-violence, the Home Member said that if he had the time and if that were the proper occasion he could have shown from the judgments of criminal courts, including Sessions Judges and High Courts, the effect which such non-violent non-co-operation had had on the increase of crime, and he added that the danger was by no means over. The motion for introduction was lost by 46 votes to 20.

Dr. Gour's Bill to amend the Code of Civil Procedure, 1908, in such a manner as to abolish imprisonment in the civil jail as a method of enforcing decrees for the restitution of conjugal rights was duly passed into law. The same member also attempted to introduce a

Bill to amend the Indian Penal Code with a view to raising the age of consent in case of rape. The Bill, which was on the same lines as a Bill of Bakshi Sohan Lal which had been rejected by the Assembly in September 1922 was refused introduction.

The same member's SPECIAL MARRIAGE Amendment Bill which had been passed by the Assembly during the Delhi Session was passed in the Council of State. The Bill enables persons professing the Hindu, Buddhist, Sikh or Jain religion to marry under the Special Marriage Act, 1872, without being forced to declare that they do not profess those religions, respectively, and applies the provisions of the Indian Succession Act to the property of such persons and their issue.

Two Bills of Mr. Seshagiri Ayyer, of which one seeks to include certain classes of heirs hitherto excluded from inheritance under the Hindu Law and the other seeks to alter the order of succession under the Hindu Law in favour of certain classes of heirs in certain parts of the country, came up before the Council of State but further consideration was in the case of both Bills postponed till the next session.

Mr. Rangachariar introduced a Bill to consolidate and amend the law relating to LEGAL PRACTITIONERS in India. The primary object of the Bill is the creation of an INDIAN BAR and the abolition of distinctions between various branches of the profession, two questions in which the public had taken considerable interest and which had formed the subject of a Resolution at the very first meeting of the Legislative Assembly in Delhi.

One of the most important pieces of legislation passed into law was Mr. Abul Kasem's Mussulman WAKF ACT, 1923, which compels Mutawallis of all Wakfs to furnish within a specified time full particulars relating to the trust and to subject the accounts of the trust to an annual audit by qualified accountants.

The last Bill with which the Assembly dealt was the RECIPROCITY BILL of Dr. Gour for regulating the entry into and residence in British India of persons domiciled in other British Possessions. It was introduced in the Assembly on the 27th of July and was taken into consideration and passed the same day after having been subjected to considerable amendment. The object of the Bill was to empower the Governor-General in Council to make rules for the the purpose of securing that persons, not being of Indian origin, who are domiciled in any part of His Majesty's Dominions other than British India, the United Kingdom and Ireland, or in any Protectorate or territory which is or may be administered by a Dominion as a Mandatory on behalf of the League of Nations, shall have no greater rights and privileges as regards entry into and residence in British India than are accorded to Indians as regards entry into and residence in that particular possession.

**LIST OF ACTS***Passed by the Indian Legislature during the Simla Session 1923.*

1. The Mahendra Partab Singh Estates Act, 1923 (XXIV of 1923).
2. The Moorshedabad (Amendment) Act, 1923 (XXV of 1923).
3. The Code of Civil Procedure (Amendment) Act, 1923 (XXVI of 1923).
4. The Indian Income-tax (Further Amendment) Act, 1923 (XXVII of 1923).
5. The Indigo Cess (Repealing) Act, 1923 (XXVIII of 1923).
6. The Code of Civil Procedure (Amendment) Act, 1923 (XXIX of 1923).
7. The Special Marriage (Amendment) Act, 1923 (XXX of 1923).
8. The Indian Territorial and Auxiliary Forces (Amendment) Act, 1923 (XXXI of 1923).
9. The Indian Lunacy (Amendment) Act, 1923 (XXXII of 1923).
10. The Indian Army (Amendment) Act, 1923 (XXXIII of 1923).
11. The Catchi Memons (Amendment) Act, 1923 (XXXIV of 1923).
12. The Code of Criminal Procedure (Further Amendment) Act, 1923 (XXXV of 1923).
13. The Indian Paper Currency (Amendment) Act, 1923 (XXXVI of 1923).
14. The Code of Criminal Procedure (Second Amendment) Act, 1923 (XXXVII of 1923).
15. The Land Acquisition (Amendment) Act, 1923 (XXXVIII of 1923).
16. The Indian Ports (Amendment) Act, 1923 (XXXIX of 1923).
17. The Indian Electricity (Amendment) Act, 1923 (XL of 1923).
18. The Charitable and Religious Trusts (Amendment) Act, 1923 (XLI of 1923).
19. The Mussalman Wakf Act, 1923 (XLII of 1923).

**LIST OF BILLS***Pending before the Indian Legislature after the Simla Session, 1923.***COUNCIL OF STATE**

1. The Hindu Inheritance (Removal of Disabilities) Bill by Mr. T. V. Seshagiri Ayyar.
2. The Hindu Law of Inheritance (Amendment) Bill by Mr. T. V. Seshagiri Ayyar.
3. The Cantonments Bill.
4. The Immigration into India Bill by Dr. H. S. Gour.
5. The Indian Succession Bill.

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6. The Indian Naturalization Bill.
7. The Legal Practitioners (Amendment) Bill by Mr. K. C. Neogy.
8. The Illegitimate Sons Rights Bill by Mr. M. K. Reddi.
9. The Code of Civil Procedure (Amendment) Bill by Lala Girdharilal Agarwala.
10. The Code of Criminal Procedure (Amendment) Bill by Rao Bahadur T. Rangachariar.
11. The Adoption Registration Bill by Dr. H. S. Gour.
12. The Caste Disabilities Removal Bill by Mr. K. M. Nayar.
13. The Indian Limitation (Amendment) Bill by Lala Girdharilal Agarwala.
14. The Prevention of Deferred Rebates Bill by Mr. T. V. Seshagiri Ayyar.
15. The Legal Practitioners Bill by Rao Bahadur T. Rangachariar.

*Statement showing the Resolutions adopted by the Legislative Assembly during the Delhi Session, 1923, and action taken by Government thereon.*

Date.	By whom.	Subject of Resolution.	Action taken by Government.
24-1-1923 ...	Mr. B. Venkatapati-raju.	Grant of 25 scholarships to Indians for Research work.	No action taken on account of financial stringency.
1-2-23 ...	Mr. A. H. Ley ...	Workmen's compensation in agriculture.	In accordance with the terms of the Resolution the Government of India decided to take no further action at the present stage in respect of the draft convention relating to workmen's compensation in agriculture and the recommendation relating to the protection before and after child-birth of women wage-earners in agriculture. This decision has been communicated to the Secretary General of the League of Nations.
1-2-23 ...	Ditto ...	Protection before and after child-birth of women wage-earners in agriculture.	
1 & 10-2-23 ...	Mr. J. Hullah ...	Emigration to Ceylon ...	
10-2-23 ...	Ditto ...	Emigration to Straits Settlements, Malay States, etc.	
16-2-23 ...	Mr. Jamnadas Dwarkadas.	Adoption of a policy of protection for India.	In pursuance of Part (d) of the amended Resolution as finally adopted by the Legislative Assembly, a Tariff Board is under constitution to institute the necessary enquiries.

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*Statement showing the Resolutions adopted by the Legislative Assembly during the Delhi Session, 1923, and action taken by Government thereon.*

Date.	By whom	Subject of Resolution.	Action taken by Government.
22-2-25	... Rai Bahadur G. C. Nag	Equality of status for Indians in Kenya.	The Resolution was communicated by telegram to the Secretary of State for India on the 24th February 1923.
27-2-23	... Maulvi Miyan Asjad-ul-lah.	State management of all railways in India.	The motion as adopted in the Legislative Assembly was in the following terms :— The Assembly recommends to the Governor General in Council that he may be pleased, on expiry of their leases, to take over both the East Indian Railway and the Great Indian Peninsula Railway for management by the State. The contracts of these two lines expire on 21st December 1924 and 30th June 1925, respectively, and meantime preliminary questions are being considered.
9-3-23	... Mr. J. Hullah	... Emigration to Mauritius	Notification embodying the terms and conditions of unskilled labour to Mauritius was issued on the 22nd March 1923 in the form in which it was approved by the Legislative Assembly.
10-3-23	... Mr. K. M. Nayar	... Communal representation	A copy of the Resolution as adopted by the Assembly has been forwarded to all Departments of the Government of India and the Subordinate Officers with the request that the policy of Government announced in the course of the debate should be borne in mind when making recruitment for services under their control.

*Statement showing the Resolutions adopted by the Council of State during the Delhi Session, 1923, and action taken by Government thereon.*

Date.	By whom.	Subject of Resolution.	Action taken by Government.
31-1-23	... The Hon'ble Mr. D. T. Chadwick.	Workmen's compensation and social insurance in agriculture.	In accordance with the terms of the Resolution, the Government of India decided to take no further action at the present stage in respect of the draft convention relating to workmen's compensation in agriculture and the recommendation relating to the protection before and after childbirth of women wage-earners in agriculture. This decision has been communicated to the Secretary General of the League of Nations. Notifications embodying the terms and conditions of emigration of unskilled labour to Ceylon, the Straits Settlements and the Malay States were issued on the 17th February 1923 in the form in which they were approved by the Council of State and emigration is taking place in accordance with them. The Government of India have decided to take no action on this Resolution, as the subject of industrial finance is primarily a matter for the provinces, some of which have already taken action on the lines suggested by the Industrial Commission by means of legislation regulating the grant of industrial loans.
31-1-23	... Ditto ...	Protection of women and children wage-earners in agriculture.	
15-2-23	... The Hon. Rao Bahadur Sir B. N. Sarma.	Terms and conditions of emigration of unskilled labour to Ceylon.	
15-2-23	... Ditto ...	Terms and conditions of emigration of unskilled labour to Straits Settlements and Malay States.	
16-2-23	... The Hon. Mr. Vaman Govind Kale.	Industrial finance and industrial banks.	

## APPENDICES

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*Statement showing the Resolutions adopted by the Council of State during the Delhi Session, 1923, and action taken by Government thereon.*

Date.	By whom.	Subject of Resolution	Action taken by Government.
16 & 19-2-23 ...	The Hon'ble Sir Dinshaw E. Wacha.	Census of production of British India.	The proofs of the first issue of the collection of statistics in consolidated form have already been received and most of them have been checked. The publication should not now be much delayed.
28-2-23 ...	The Right Hon'ble V. S. Srinivasa Sastri.	Appointment of Indians as Secretary, Joint Secretary and Deputy Secretary to every Department of the Government of India Secretariat.	A copy of the Resolution has been forwarded to all local Governments and Departments of the Government of India with the decision of Government that, while no fixed ratio could be agreed to, the principle of appointing Indians in increasing numbers was accepted and that for this purpose the possibility of obtaining suitable and competent Indian officers from Provincial Secretariats should be definitely considered on the occurrence of vacancies in the appointments in question.
28-2-23 ...	The Hon'ble Rai Bahadur Lala Ram Saran Das.	Appointment of Indians to the Traffic Inspector cadre (Transportation Section) on State Railways.	Railway Administrations were advised to look into the matters so that qualified Indians may be advanced to the position of Traffic Inspector along with Anglo-Indians and Europeans.
5-3-23 ...	The Right Hon'ble V. S. Srinivasa Sastri.	Rights and status of Indians in Kenya Colony.	The Resolution was communicated by telegram to the Secretary of State for India on the 6th March 1923.
21-3-23 ...	The Hon'ble Rao Bahadur Sir B. N. Sarma.	Terms and conditions of emigration of unskilled labour to Mauritius.	Notification embodying the terms and conditions of emigration of unskilled labour to Mauritius was issued on the 22nd March 1923 in the form in which it was approved by the Council of State.



PROVINCIAL  
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# Bengal Legislative Council 1923

## Summary of Proceedings.

The FIRST SESSION of the Bengal Council in 1923 was opened on the 24th January, Mr. H. E. A. Cotton presiding. The Hon. Sir S. N. Bannerji presented the report of the Select Committee on the Calcutta Municipal Bill (see below). The Hon. Nawab Nawab Ali Chowdhury then moved that Bengal should participate in the British Empire Exhibition in London. The idea of India participating in the Exhibition had been started first by members of Bengal in the Delhi Assembly and now it remained for Bengal to take the lead. Mr. Indu Bhushan Dutt moved the nationalist amendment that the London authorities be made to pay all costs of exhibits sent from Bengal. He would have moved for rejection of the proposal altogether had not experience in the council taught him the futility of such a motion. A strong volume of opinion was in favour of his view but in the end the amendment was lost by 53 votes against 26 and the main proposition was passed. After some amendments to Standing Orders the Council adjourned.

For the next two days there was a severely acrimonious debate over the grant to the Calcutta University to save it from bankruptcy. Some money had been voted by the Council in the previous July but the Hon. Minister of Education had laid down certain conditions which the University refused to accept. For the past 6 months a bitter controversy had been raging round this matter and the culmination was reached on the 26th Jan. in the Council chamber. There was a strong party in the Council who strenuously attacked the autocratic methods of the Vice-Chancellor, Sir Ashutosh Mukherji, in University administration, and this party had the support of the Minister, the Hon Mr. P. C. Mitter. The mal-administration of University funds by which the University was heading towards bankruptcy was the target of malicious criticism and several attempts were made to censure Sir Ashutosh Mukherji and imposing conditions which the University thought derogatory to accept. The supporters of Sir Ashutosh in the Council in their turn attacked the Minister for having delayed the grant passed by the House and for having imposed unauthorised conditions. In the end however, at the request of Sir Ashutosh Chowdhury and Mr. Hornell, the D. P. I., all motions were withdrawn. This regrettable controversy was finally settled on March 22nd. This was announced in the Council by the Education Minister when asking for a grant of Rs. 1,79,000 for education the Minister said : 'Some members expressed a desire to raise a general discussion regarding the university grant. I am glad to inform the House that the question of the financial administration of the Calcutta University has been satisfactorily settled. The University has given us an assurance that they were ready to remodel University accounts generally on lines suggested by the Accountant-general in so far as this can be done within the funds that are or may be at their disposal.'

On JAN. 30th the Hon. Mr. Stephenson presented the report of the Select Committee on the GOONDAS BILL which was then considered. Notices of 64 amendments were given. Some members opposed this act being made permanent and amendments were moved that it should remain in force for two years or three years which were negatived. There was a heated discussion when the motion was brought that this act should not apply to any person taking part in political or labour movement as there was a misapprehension that the act was

a fresh weapon forged to deal with political and labour movements. Next day the Bill was passed.

The Council next met on February 8th and 9th to discuss non-official bills. On the second reading of the CALCUTTA RENT BILL which was intended to control house-rent Mr. J. Campbell Forrester in moving that the bill be referred to a Select Committee cited numerous instances of inflated rents and the greed of house-owners and urged that the Government's duty was to protect its people from the rapacity of a number of landlords. Some 20 members took part in the discussion which was not concluded when the Council adjourned. It was taken up again next day when discussion was cut short by a statement by the Hon. Sir Surendranath Bannerji that the question being one of great difficulty and complexity, the Government had been considering it ever since October last, and he announced that the Government had decided to continue the present Act for a period extending up to the end of March 1924. In the meantime a short Bill would be passed extending the life of the Act for one year more. A Committee would be appointed to consider the question of house accommodation in Calcutta. In view of this assurance given by the Minister, Mr. Forrester withdrew his bill.

The following non-official motions were then adopted.—

Mr. I. B. Dutt moved that his Bengal Chaukidari Amendment bill 1923 be circulated. Messrs. J. N. Basu and S. N. Mullick moved to introduce bills to amend the law relating to the Calcutta University. Dr. Hassan Suhrawardy introduced a bill to amend the law relating to cruelty to animals, and Prof. S. C. Mookerji introduced one to suppress immoral traffic.

On Feb. 12th the Calcutta MUNICIPAL BILL was taken up. This was the most important piece of legislation in Bengal in 1923. This Bill was introduced in November 1921 and was considered in Select Committee for over six months in more than 40 meetings, and many alterations were made in the original Bill. Now the Bill comprised 544 sections with many sub-sections and provisoes. As a result of four hours' discussion it was decided that Maniktoia, Cossipore and Chitpur and Garden Reach municipalities should be amalgamated with the Calcutta Corporation.

On Feb. 14th a large number of Mahomedan members urged communal representation in the Calcutta Corporation. Mr. Nasim Ali urged that instead of reserving some seats for Mahomedans, there should be communal representation for Mahomedans on the Calcutta Corporation. A prolonged debate followed and an important suggestion was made by Mr. Langford James on the 16th that: let them meet the emphatic wishes of the Mahomedans by giving them thirteen seats; let them recognise that in the present state of the development of the country the Mahomedans' claim to communal election was a reasonable one, but let the Mahomedans recognise that this system could not be expected to continue indefinitely. Let the Mahomedans be content with this privilege for a period of nine years because within that period a Royal Commission was to visit India to review the reforms and at the end of nine years they would be in possession of the views of the Royal Commission on communal representation in general. This question was decided on Feb. 19th when further discussion on amendments to the Calcutta Municipal Bill was resumed by an acceptance of separate communal representation for Mahomedans. The number of seats allotted to Mahomedan constituency was raised from 13 to 15. Mahomedan members wanted to increase this number to 19 and several amendments were moved to that effect. It was opposed by Hindus and Europeans and in the discussion that followed the action of the Minister in accepting communal representation was severely criticised but eventually all amendments were negatived.

On Feb 16th the advocates of Women franchise succeeded in removing sex disqualification on the Calcutta Corporation by the casting vote of the president, 33 members voting both for and against.

On Feb. 21st further discussion of amendments to the Calcutta Municipal Bill was resumed. The only important amendment was a demand for plural voting. In the Bill one vote was given to each voter. The amendment urged that according to property qualification the voter should be entitled to six votes. Representatives of the aristocracy supporting the amendment urged that rich men had a greater stake in Calcutta than poor men, that adventurers and birds of passage should have no right to citizenship of Calcutta and that rich men should have greater voice in the management of the Corporation. The Minister and the acting chairman of the Corporation opposed the amendment which was negatived.

On Feb. 23rd a lengthy discussion came up over the insertion of a new clause requiring every councillor and alderman to take an oath of allegiance. An attempt was made by some members to do away with the oath altogether, but having failed Kumar Shib Shekhareswar Roy (Nationalist) moved the deletion of the following clause: 'If any person having been elected or appointed a councillor or elected an alderman is declared by the local Government to have violated his oath of allegiance, such person shall cease to be a councillor or alderman.' He said it was not fair to vest Government with such arbitrary powers by which it could brand any councillor without giving such person any opportunity to dispel the dark suspicions against him. Some members observed that it was intended to exclude from the Corporation the non-co-operators. The Hon. Sir Surendra Nath Banerjee asked would his hon. friends who had been so loud in their protest deny the fact that at that moment there was a party out for the purpose of wrecking the local bodies and Councils by entering there? The amendment was finally negatived, 33 voting for and 40 against it.

After a discussion lasting for three weeks and disposing of nearly 900 amendments the Calcutta Municipal Bill was finally passed on March 7th, 1923. The Hon. Sir Surendranath declared that the passage of the bill meant the fulfilment of one of the dreams of his life. It sought to establish in the great city of Calcutta the essential principles of democracy, namely government of the people by the people and for the people. It broadened the franchise, enfranchised women, removed the fetters of Govt. control, gave an impetus to primary education and sanitation, and did all that a true self-governing institution could bestow on the people.

#### The Bengal Budget

On Feb. 19th the Budget was introduced. It was a deficit budget but Government did not propose any taxation bills. In the budget for 1922-23 the expenditure exceeded revenue by 120 lakhs. It was then thought unlikely that further retrenchment was possible and new taxations, the Stamp and Court Fees Acts and tax on amusements and betting, were resorted to, but expectations as to the amount of its yield had not been realised from increased Stamp and Court Fees. From Stamp and Court fees Rs. three crores were expected in the current year which was 75 lakhs below the anticipation; receipts fell short of anticipations by 76 lakhs, revenue for the year being estimated at 9,66,96,000 rupees. The year was started with an opening balance of Rs. 67,53,000. The total receipts were Rs. 10,33,29,000, the total expenditure Rs. 10,49,98,000 and the year closed with a balance of Rs. 50,84,000. The total deficit for 1922-23 was thus Rs. 16,69,000.

For the current year Govt. now budgetted for a revenue of Rs. 10,15,50,000. an increase of Rs. 48,62,000 compared with the current year's revised estimate. Provision had been made for an expenditure of Rs. 10,21,66,000, an increase of

Rs. 39,16,000 over the year's revised estimate. The only new item of expenditure was 41·2 lakhs for the election of the new Legislative Council. Subject to that and the normal growth of expenditure, as for instance increases of pay under time scales, no provision had been made for additional expenditure. Expenditure excluding loan operations would be Rs. 6,06,000 over revenue. That was considerable improvement over last year's budget, but it made no provision for development and allowed for no progress. The budget was prepared before the report of the Retrenchment Committee was received and was not framed on its recommendations.

The general discussion on the budget was held for more than 8 days from February 26th to 28th and voting on demands began on March 16th and ended on March 29th. The main theme during the general discussion was the Bengal Retrenchment Committee's report (see L. A. B. 1923 Vol I) which some said had suggested very drastic cuts while others complained that they did not go far enough. The Weston award also came in for a good share of criticism but the absence of any new proposal of taxation was much appreciated. The recommendations of the retrenchment committee which in the total saved some 2 crores did not meet with any volume of whole-hearted support in the Council, different interests opposing the cuts that affected them, and Government members and Hon. Ministers also said that effect could not be given to all the recommendations but would be given only as far as possible.

On March 15th schemes for SEPARATION of the JUDICIAL and EXECUTIVE FUNCTIONS were discussed. The principle involved in it had been accepted by the Government and a committee presided over by Mr. Justice Greaves was appointed for this purpose about a year ago. This committee submitted its report recommending a scheme for the separation of judicial and executive functions. Now a resolution was moved in the Council urging Government to give effect to the recommendation of the Greaves Committee. Several members speaking on the resolution admitted that the scheme formulated by the Greaves Committee was not perfect and suggested their own schemes. The Hon'ble Mr. Stephenson replying said though he did not like to go into the merits of the question, since the principle had already been accepted by the Government, he would not accept the suggestions made. He admitted that there was very strong feeling on the question and the Government was out to get a definite scheme which would be given effect to later. After comparing the Bengal scheme as recommended by the Greaves Committee with those of Behar and the United Provinces, Mr. Stephenson said there were various causes for delay in giving effect to the Greaves Committee scheme. It was impossible to try the scheme in one or two districts. They must first know the future prospects of the officers—the European Services. He opposed the resolution which, however, was carried by the non-official majority.

On March 16th, prior to the voting on budget grants, the Governor Lord Lytton addressed the Council and announced that the Government was considering the recommendations made by the Bengal Retrenchment Committee and the result would be announced in July next. This had the desired effect, for during the first two days' discussion on demands for grants, the majority of motion for reduction were withdrawn. There was a difference of opinion between the two Nationalist leaders as to whether in view of His Excellency's announcement they should press for cuts or not. Mr. Indu Bhushan Dutt wanted to ignore the Governor's request and considered it would be foolish on their part not to make cuts in the budget in accordance with the Retrenchment Committee report. Kumar Shib Shekhareswar Roy on the contrary was of opinion that in view of the assurance given by His Excellency he would be rather foolish than mad, and it would be a tactical blunder to press their views and fight to a finish at that stage. Consequently, in the excise demand

for Rs. 13,76,000, out of 82 motions for reduction only one was carried making a cut of Rs. 5,000. The demands of grant of Rs. 8,89,000 for stamps, of Rs. 7,50,000 for forests and of Rs. 18,37,000 for registration were granted without a single cut though there were 45 motions for reduction, most of which were withdrawn. In making the demand for expenditure under registration the Minister said that the Government had effected a cut of Rs. 2,31,000 in the original demand and he assured the House that before they announced their decision in the Council in July, they would very carefully consider every recommendation of the Retrenchment committee with regard to the abolition or the amalgamation of some of the posts.

On March 20th during the debate on demand for grant of nearly 102 lakhs for general administration, a member suggested that retrenchment could be effected by discontinuing recruitment to the Indian Civil Service and substituting cheaper Indian service. The proposal was opposed by a Mohamedan member and the representative of the depressed classes who opposed rapid Indianisation, on the ground that their communal interests were better safeguarded by the European Services, and the demand was agreed to in full.

On March 21st demand for the grant for Police of Rs. 17,8,31,000 was discussed. Futile attempts were made to reduce the grant for Assistant Superintendents, Deputy Superintendents, European sergeants and constables and Military Police. In one motion demanding the reduction of the grant of Rs. 194,000 for temporary District Intelligence force by Rs. 94,000, the Government was defeated by a non-official majority. During the discussion of this motion supporters pointed out that, as the political atmosphere had been brightened, there was no necessity of entertaining this almost useless and mischievous staff. The Hon. Mr. Stephenson replying said that they would be living in a fool's paradise if they thought that nothing was going on in Bengal beyond what appeared on the surface. The motion was carried by 40 voting for and 85 against it. The Government accepted another cut of Rs. 75,000 in the total demand. The original demand of 178,31,000 with the cut of Rs. 1,69,000 was granted. Next day the Hon. Mr. Stephenson replying to a question regarding the release of political prisoners said that, in view of the general improvement in the political situation the Government considered that the provisions of the notification dated 18th November 1921 declaring all volunteer organisations illegal were no longer necessary. The withdrawal of the notification did not affect the position of persons convicted under the Criminal Law amendment Act before the notification was withdrawn, but there were only 3 such persons in jail.

On March 29th the motions for reduction for grants came to a close. After all the demands were granted, the Hon'ble Maharajah of Burdwan on behalf of the Hon'ble the Finance Member said that when they introduced the estimates the deficit was Rs. 4,82,000. Cuts made by departments and also by the Council amounted to about Rs. 7,87,000 and therefore roughly the position then was that they had a surplus of about three lakhs. The heaviest cut was Rs. 4,15,000 which the Irrigation Department gave up in connection with the widening and deepening of Madaripur beel route. The next one was a cut of Rs. 94,000 which the Council effected in the Police Department.

The Council then stood adjourned.

### The July Session 1923

The JULY SESSION of the Bengal Council commenced on Monday the 2nd July. No resolution was taken up and the Council proceeded with the consideration of several Government Bills, which with the exception of the Indian Salt (Bengal Amendment) Bill excited but little public interest. The first

Government Bill was the Bengal Aerial Ropeways Bill to which several amendments were moved by Kumar Shibsekharewar Roy. The Calcutta Port (Amendment) Bill was next taken up and passed without any opposition. The Hon'ble Mr. Donald then moved that the Indian Salt (Bengal Amendment) Bill be taken into consideration. The object of the Bill was to confer greater powers on the Excise and Police officers to prevent the so-called illicit manufacture of salt and to facilitate the realisation of salt duty. The Bill was put to the vote and on being declared carried a poll was demanded. On a division it was found that 42 members voted against and only 28 voted for the Bill which was thus thrown off.

The next business was the introduction of a Bill by Sir Surendra Nath Bannerji to provide for certain matters in connection with the Budget Estimate of the Corporation of Calcutta for the year 1924-25, the fixing of the rates at which the consolidated rate and the taxes for that year shall be levied and imposed, and the arrangements to be made in connection with the raising of loans during that year, for the fixing of the percentage of the consolidated rate in respect of the added areas during the four succeeding years, and for the amendment of section 20 of the Calcutta Municipal Act, 1923, in respect of the qualification of electors. The Bill was opposed by Dr. Pramatha Nath Banerjee who criticised the principle and object of the Bill which was, however, introduced and referred to a Select Committee.

The Bengal Smoke Nuisances Bill to amend the existing Act was then introduced and passed by the Council. Sir Surendra Nath Bannerji then moved that the Calcutta Improvement (Amendment) Bill be referred to a Select Committee with instructions to submit their report in time for its consideration by the Council at the next August session. The motion was carried. Two other Government Bills were introduced by the Maharajahdiraja Bahadur of Burdwan viz. ; the St. Thomas School Bill and the Bengal Tenancy (Uthandi Amendment) Bill. Both the Bills were referred to a Select Committee.

On July 4th. there was a lively debate in the Council over the 'CHAR MANIAR' incidents in which the police were alleged to have perpetrated inhuman outrages on a whole village, killing, maiming, raping helpless women when the men had all fled before their approach. Babu Indu Bhusan Dutt moved for an adjournment of the House to discuss the happenings at 'Char Maniar. The magisterial enquiry the result of which was issued to the Press by Govt. was an exoneratory, a whitewashing affair, and he wanted to have a thorough and shifting enquiry. Many non-official members spoke feelingly and eloquently on those incidents which had caused a sensation throughout the country and appealed for an enquiry by a Committee of officials and non-officials into the serious allegations against the Faridpur Police. Mr. Birtley, Chief Secretary to the Government, and Mr. Stephenson strongly opposed the motion and tried to defend the Magistrate from the allegations made against him. The Government members could not convince the House why the inhabitants of 'Char Maniar' deserted the village nor could they meet the serious allegations made against the police by several women. The motion was eventually talked out.

On this day the House discussed a non-official resolution urging that the punishment of prisoners by whipping for breach of jail discipline should be abolished. The Hon. Mr. Stephenson stated that Government had issued orders restricting whipping to cases of mutiny, incitement to mutiny and attack on jail officers, and they were of opinion that it should be retained for such offences. The resolution was put to the vote and carried by 55 votes to 26. The Maharajahdiraja of Burdwan and the three Ministers did not vote.

On July 3rd the Government sustained another heavy defeat over the Bengal Village Choukidari (Amendment) Bill. The Bill which was introduced in Council by Babu Indubhusan Dutt sought to invest the Union Panchayats

with a little real power by enabling them to determine the number of Chaukidars that would be appointed in any village. Babu Indubhusan Dutt made out a fairly strong case for the proposed change in the Chaukidari Act and observed that he who paid the piper should call for the tune. The Hon'ble Mr. Stephenson strongly objected to this nominal concession. On a call for a division it was found that 63 members voted for the Bill while the Government found only 32 supporters. Two other Bills for the amendment of the Bengal Village Self-Government Act were introduced in the Council by Shah Syed Emdadul Haq and Babu Bejoy Prasad Singha Roy respectively but they were lost.

There were 77 non-official resolutions on the agenda of which only 9 were moved on the 4th. and the 5th. when after discussion they were either withdrawn or defeated. The Council then adjourned to the August Session.

#### August Session 1923.

The last session of the first reformed Bengal Council met on the 15th August to conclude the business of the Council and for Govt. to make supplementary demands. The Hon. Mr. Donald laid on the table a certification by the Governor of Rs. 50,000 for the Police which the Council had refused in March last. The Hon. Sir Surendranath presented the report of the Select Committee on the Calcutta Improvement Bill which was passed. Next day he introduced the Select Committee report on the Calcutta Municipal Bill which made provision for the budget of the new Corporation for 1924-25. This too was after consideration passed. The St. Thomas' School bill was then passed. The Bengal Municipal bill to consolidate and amend the law relating to Municipalities in Bengal was then introduced.

On AUGUST 18th Supplementary Demands were taken up. Mr. J. Ronald moved that Rs. 15,700 be granted for expenditure in connection with the participation of Cooperative, Industries and Agriculture departments in the Calcutta Exhibition as a preliminary to the British Empire Exhibition. Rai Harendranath Chaudhri moved an amendment that the demand be refused as the decision of the Cabinet regarding the Kenya question had caused a good deal of searching of heart amongst Indians. After a number of nationalist members had strongly supported the amendment refusing the grant, it was negatived, 33 voting for and 55 against it, and the original motion for grant of the demand was passed.

On Aug 20th the Council passed a Bill for the suppression of immoral traffic, but rejected the Cruelty to Animals Bill which was opposed on the ground that it would not achieve the object aimed at. The Council then considered non-official resolutions and agreed to a motion for an urgent amendment of the electoral rules so as to allow a man who would otherwise be disqualified owing to having been imprisoned to exercise his franchise. Dr. Pramathanath Banerjee made a last attempt to have political prisoners released and moved that all persons who were then undergoing sentences of imprisonment in Bengal for offences of a political character be released. The Hon. Mr. Stephenson opposing the motion said that there were seven persons who had been convicted under the Criminal Law Amendment Act three of whom refused to undertake to be of good behaviour. There were 17 persons convicted of seditious speeches and writings. Government had been very lenient to that class and had withdrawn cases freely when editors and printers undertook not to violate the law in future. The resolution was negatived.

The Council was prorogued on Aug. 21st by Lord Lytton who made a lengthy review of the work of the last three years and said he felt that the experience gained had been of the utmost value as training in the exercise of responsibility, but the progress made in utilising the machinery of constitution had been small. Financial difficulties have been the source of disappointment to both the Council and the Ministers, and one of the most urgent problems



which would confront the new Council would be to decide in consultation with Government between the evils of fresh taxation and further postponement of the nation-building activities.

Referring to the Calcutta University His Excellency said that the conference which opened the day before at Government House had already given sufficient promise of success to justify his expressing the hope that the fears that Government might abandon legislation or might do anything to injure the University were groundless. The Government had no intention of abandoning legislation and the University authorities had expressed the desire that it should be taken up at once. He hoped the Government would be able to introduce legislation in the next session of the Council. He then prorogued the Council.

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# The U. P. Legislative Council

## Summary of Proceedings—1923

The U. P. Legislative Council was opened on JANUARY 29th, 1923, by H. E. the Governor Sir William Marriis who signalled the occasion by an announcement of the release of all political prisoners by his Govt. This was very gratifyingly received by the members as a gesture of peace and good will for which His Excellency was warmly thanked. After question time a member wanted to move an adjournment of the House to discuss the Peel espatch on further reforms but the President disallowed it. A non-official resolution of Mr. Shakir Ali that 'if within the next three months after a resolution is adopted by the Council Government finds that it is not prepared to give effect to such a resolution, it will inform the Council of the reasons for its decision' evoked a warm debate. The resolution was carried against Govt. by 48 against 32.

Next day, Jan. 30th, there were five non-official resolutions on the agenda of which only one was carried and the rest either withdrawn or lost. The one carried was with respect to time-scale and grade-pay to model school teachers moved by S. Ali Nabi.

The whole of the next day's sitting was taken up with a resolution for the establishment of a Chief Court for Oudh moved by the Home Member who laid down the general lines of the scheme. He said that this was a long-standing pledge given by Govt. but as the Secretary of State wanted to ascertain the views of the Council, Govt. had brought the matter before the House. The Oudh members and specially the rich talukdars strongly supported the proposal which was passed.

On Feb. 1st there were six resolutions on the agenda three of which related to the extension of right to vote in Council elections to women. There were a large number of ladies in the visitor's gallery. Pandit I. N. Gurtu moved that the disqualification prescribed in the electoral rules for registration on the electoral roll be removed in respect of women. Hon. Mr. O'Donnell remarked that officials would refrain from taking part in the debate. The resolution was supported by members from all communities and of all shades of opinion, the Mahomedan members assuring that notwithstanding purdah they could lend it their support since the measure was permissive and not obligatory. The resolution was carried without a single dissentient voice. There was strong official opposition to a resolution to the effect that steps should be taken to make at least two appointments to Judgeships from amongst the members of the bar. The Hon'ble the Finance Member emphatically declared that it was impossible for the Government to carry out such a proposal since it would be a grave injustice to the members of the Civil Service who had a sort of vested interest in these posts. The resolution was carried inspite of official opposition by a narrow majority of 2 votes.

On Feb. 2nd only two resolutions were discussed. One pressed for the abolition of the posts of Assistant Commissioners of Excise, but the motion was lost on the ground that adequate supervision was essential in the Excise Department. The other resolution was to the effect that there should be no further increase in the existing water rates for different crops. The supporters pointed out the suffering of cultivators, their inability to pay taxes and the risk of growing discontent amongst the peasantry. The motion was put to vote and carried by a narrow majority of 24 votes to 21.

On Feb. 3rd the Hon'ble the Finance Member presented SUPPLEMENTARY DEMANDS of which one was for Rs. 36,000 and odd under the head "Police" to make an organised attempt on a considerable scale to put a stop to depredations of the dangerous gangs of armed Bannu dacoits infesting submontane areas in Rohilkand and Kumaun districts, and the contiguous portion of the Tarai. Another demand was for about Rs. 8,000 as contribution to the King Edward Hospital in Benares. The largest demand amounting to nearly 31 lakhs was to remit arrears in revenue. The arrears were due to the fact that Taquavi (loan advanced to agriculturists without interest) granted in the past to peasants in Muttra district could not be realised by reason of impoverishment of the people by successive famines. The Council granted every item on the demand list with the exception of one of Rs. 925 which the Finance Member thought fit to withdraw. It related to the pay of the personal assistant to the Legal Remembrancer. After demands and grants had been disposed of the Hon'ble Minister in charge moved that the Bill to amend the Excise Act 4 of 1910 be referred to a Select Committee the personnel of which the Hon. Minister had drawn up.

On Feb. 5th three non-official motions were discussed and then withdrawn. On Feb. 6th the Council sat for less than half an hour and then adjourned to the 26th. At question-time Pandit Brijnandan Prasad Misra elicited the information that political prisoners classified as such only, with the exception of one, were released in pursuance of the announcement made by His Excellency on the opening day of the session. The Pandit then asked for leave to move an adjournment of the House to consider the detention in jail of political prisoners not classified as political prisoners except the one mentioned in the Governor's address. The President refused leave on the ground that the question had been discussed over and over in the Council and the announcement by His Excellency was perfectly clear. The report of the select committee on the Bill to further amend the Oudh Rent Act was then presented and it was passed without amendments or speeches.

On Feb. 26th when the Council resumed its session business was purely non-official and six resolutions were discussed of which three were carried, the more important being one by Pandit Gokaran Nath Misra asking for an increase in the number of listed posts in the cadre of magistrates and collectors open to deputy collectors and the Government did not prefer to go to a division, so overwhelming were the odds against them. Govt. narrowly escaped another defeat on the resolution for investing the Allahabad High Court with original civil jurisdiction. The tie was 19 to 19 and the motion was lost by the casting vote of the President.

Pt. Gokaran Nath Misra's motion was : "That this Council recommends to his Excellency the Governor in Council that steps be taken to raise the number of appointments in the cadre of 'magistrates and collectors of a district' open to the executive branch of the United Provinces Civil-Service from two to four,' It was carried.

Rai Mashal Singh Bahadur moved :—'That this Council recommends to the Government to appoint a committee of official and non-official members of the Council to consider the regulations governing elections to the Council and to recommend to the Government such changes therein as may be necessary,' This also was carried.

Mr. Zafar Husain moved :—'That this Council recommends to the Government to take steps to invest the High Court of Judicature at Allahabad with original civil jurisdiction.' Pandit Gokaran Nath Misra moved an amendment for the substitution of the words 'to institute an enquiry into the advisability of investing' for the words 'to take steps to invest.' Before the amendment was negatived Rai Sahab Sita Ram's amendment for the insertion of the word 'ordinary' between the words 'with' and 'original', and for the addition of the following words at the end of the resolution were carried : 'The consequent increase in the number of judges of the Allahabad High Court being drawn from among practising lawyers and members of the United Provinces Judicial Service.' After a long debate however the amended motion was lost by the casting vote of the President.

On Feb. 27th there was again a volley of questions on the release of political prisoners. After question-time the President announced that he disallowed, as being out of order, a motion of Pandit Hirday Nath Kunzra for the adjournment of the Council to reconsider the cases of all political prisoners not yet released. Non-official business was then taken up. A resolution of Pandit Hirday Nath Kunzra that approval of the Council should be got in revision by Government of irrigation rates roused some interest, but the Finance Member's prompt acceptance of the principle of consulting the Council before future enhancement was taken up rendered voting unnecessary and the resolution was withdrawn. The next resolution was that of Rai Sita Ram Sahab about the reconstitution of the Allahabad University which came in for vehement speeches on both sides and even among the Liberal members there was divergence of opinion. The hon. Mr. Chintamani was uncompromising and presented a closely argued case against the resolution which was however carried by 31 against 24. The motion was :—'That this Council recommends to the Government that the external side of the reconstituted Allahabad University as such be abolished, that it be recognised instead as the University of Agra of the affiliating type, and that a committee be appointed to draw up the necessary legislation at an early date with a view to submit it to the present Legislative Council as far as possible.'

Though defeated the hon. Mr. Chintamani made a statement in the end to the effect that consistently with the opinion he had expressed he had no intention of taking any action on the resolution. But he would not set an awkward precedent of resigning on account of an adverse vote as the resolution of the Council was

only a recommendation. The Council could however move a vote of want of confidence in him when the budget was before the Council (see p. xiii.)

Leave was given to Pandit Brijnandan Prasad Misra to introduce a Bill to amend the U. P. Municipalities Act.

#### The U. P. Budget 1923-24.

On Feb. 28th. the Hon'ble Mr. O'Donnell, Finance Member, presented the Budget. He stated, *inter alia*, that the financial year 1922-23 started with a legacy of deficit in revenue account amounting to Rs. 59,19,990 from the year preceding and to make things worse the Council last year passed a deficit budget. The revenue anticipated in the budget of 1922-23 was Rs. 13,02,46,000. The expenditure totalled Rs. 13,23,16,000. Thus the deficit in revenue accounts was anticipated to be Rs. 79,89,000. The forecast had been falsified in more than one fortunate way. Actual revenue yielded had fallen short of the estimate by a sum of Rs. 43,21,00 and then an additional expenditure of Rs. 23 lakhs had to be provided for. Thus the actual deficit at the close of 1922-23 was no less than Rs. 14,68,30,00. The revenue for the next year had been estimated at Rs. 12,78,80,000. As against this the charges against revenue, that is, the estimated expenditure showed in the budget a total of Rs. 13,29,81,000. This included a sum of Rs. 3,83,000 for capital outlay on Sarda canal, excluding which the estimated revenue had fallen short of expenditure by Rs. 47,68,000. Adding up the sum to that deficit in the revenue account at the end of 1922-23, that is the sum of Rs. 146,83,000 the total amount of deficit at the close of the budget year would be Rs. 194 half lakhs. This total amount of nearly 2 crores in deficit, the Finance member stated, was to be diverted from the loan funds. He added that the Government of India had agreed to make the U. P. Govt. a loan of 102,81,000 an account of the Sarda canal. But there was no denying the fact that revenue account must be balanced without further delay. To effect this, in his opinion, taxation was imperative.

#### Taxation Measures

Continuing, the Finance member remarked that retrenchment had been effected in every possible way, but there was a limit to it. So he proposed three new taxation measures : enhancement of Court-fees, enhancement of Stamp duties, and imposition of a duty on Motor vehicles. These would yield nearly Rs. 65 lakhs in revenue, thus leaving the provincial Government a balance of Rs. 45,08,000 at the end of 1923-24 which could be utilised to replace a small portion of the money diverted from the United Provinces loan owing to previous deficits.

On March 5th was started the general discussion on the budget and lasted till the 7th. It was clear from speeches that no unreasoning opposition would be offered to the extra taxation on the part of non-official members. Last year the members refused to agree to the raising of the rates of court fees, but this year the proposal met with a better fate. This change of attitude on the part of the Council was due to the realization of the fact that otherwise it would not be possible to bridge the gap between revenue and expenditure, and that under the present regime a policy of retrenchment and economy will be followed in right earnest. Pandit Hridayanath Kunzru referred to the possibility of levying in future death and succession duties for enabling the Government to devote more funds to the nation-building departments. Regarding retrenchment Mr. Blunt stated that Government was not going to stop retrenching simply because the Economy Committee was going to begin. As an evidence of Government's sincerity he pointed out that since the Finance Member delivered his speech on February 28 last, further reductions to the extent of Rs. 4 1-2 lakhs had been made. The members of the Council wanted that the operations of the taxation bills

be limited to one year, and the Finance Member showed great reasonableness in agreeing to their wishes in the matter.

On March 7th the three taxation Bills were introduced by the Hon'ble Mr. O'Donnell and they were further referred to Select committees. They were for the enhancement of the Court Fees and Stamp duty and the imposition of a tax on Motor vehicles. The first two met with some non-official opposition, but eventually the motions for reference to Select committees were carried.

From March 8th was taken up voting on demands item by item. Seven demands in all were disposed of on the first day, aggregating 156 lakhs on Land Revenue, Excise, Registration and Irrigation, and the cuts made by the Council amounted to only 9 lakhs.

On the March 10th the hon. Mr. Chintamani enjoyed a great 'parliamentary' triumph over a motion in the name of Sayed Ali Nabi for reduction of the Minister's salary by one rupee per month which was a motion of censure consequent on his attitude towards the Council's resolution on an affiliated University for Agra. The member was not in his place when the time for the motion came. The Minister's chance came when he was called upon to reply to the motion of Mr. Kapur for reduction of the salaries of both the Ministers with a view to retrenchment. His vindication of his 'challenge' to the Council on the 27th February fairly swept the House off its feet. The position he had taken up was, he declared, wholly in accordance with the best traditions of parliamentary precedents in England. Except the mover and the Minister who replied no body spoke on the motion which was withdrawn.

On March 12th a vote of censure on the Government was passed when the Council carried by a majority of 25 against 16 the motion of Bai Sahib Sita Ram for a reduction of the demand under general administration by Rs. 100 as a protest against the *non possumus* attitude of the Government in the matter of the release of the remaining political prisoners. Another important division was on the motion of Pandit Hirday Nath Kunzru who wanted to elicit information from the Government as to whether both the Ministers and Members of the Executive Council—the two halves of the Government—were consulted before a decision was arrived at. The Finance Member's persistence in a technical objection drove the House to a division which however resulted in a majority for the Government. After five or six motions for a reduction of the demand on 'administration of justice' were lost or withdrawn, the House began to show signs of thinning and a cry of 'quorum' was raised. The bell brought in a handful of members. The President at once rose and put not only the whole demand under 'administration of justice' but also that under 'jails and criminal settlements' and declared them voted.

On March 13th the Police budget was discussed and passed with some cuts. Next day the Education demand was presented and passed with but little alteration save some reductions proposed by the Minister himself. On March 15th Medical and Public health demands were presented by the Minister Pt. Jagat Narain. On March 16th there was prolonged discussion on the demand for Agriculture but only a small cut of Rs. 10,000 was made. On the following days the other demands were passed with inconsequential cuts.

On March 24th the Council sat less than half an hour. The Hon. Mr. Chintamani formally presented the select committee's report on the U. P. Excise Act. Pandit Brijnandan Prasad Misra introduced a Bill to amend the U. P. Municipalities Act but his motion to refer it to a select committee was negatived by 29 against 11 votes.

On March 27th the U. P. Land Revenue Act Amendment Bill was introduced and passed without discussion and so also was the Excise Bill, which had two amendments on the paper in the name of Mr. Kapur, both of which were ruled

out of order by the President. The report on the Stamp Bill was also presented.

On March 28th the Finance Member moved that the Bill to amend the Court Fees Act as amended by the select committee be taken into consideration and explained the main changes made by the select committee. While the original estimate of the yield was 40 lakhs, as a result of the changes the present estimate of the yield was 20 lakhs and thus the select committee had effected a reduction of 50 per cent. One of the chief features was that the maximum fee would not exceed Rs. 4,500 which was lower than the maximum in such other provinces where there was maximum fixed. The bill was then passed.

On March 29th non-official resolutions were taken up. Pandit Gokaran Nath Misra moved: 'That this Council recommends to his Excellency the Governor-in-Council that the building known as the Imperial Hotel be not sold.' The finance member said that Govt. would not take part in the debate and their members were free to vote. Govt. wanted to be guided by the Council. The resolution was put to the vote and carried by 40 against 12.

Pandit Gokaran Nath Misra then moved: 'That this Council recommends to the Governor-in-Council that the Government do borrow, as requisite from Messrs. Martin and Company from year to year at a rate of interest which may be settled from year to year and not exceeding six per cent. in the current year, such sums of money as will enable the Council Chamber to be constructed as early as possible.' The Finance Member announced again that the Government would not take part in the discussion or the voting, that official members would vote as they chose. He explained a constitutional point that the budget of every year should have to show the amount borrowed and the interest to be paid. Rai Sita Ram Sahab moved the following amendment:—'Add the following at the end: "Subject to the proviso that a further reduction in the total outlay on the Council Chamber be, if possible, effected at an early date and that each year's liability will be brought up before the Legislative Council prior to its being incurred." The amended resolution was then put to the vote and carried by 34 against 15.

On April 3rd the remaining taxation measure were passed. The passage of the Stamp Bill on this day proved even less difficult than that of the Court Fees Bill, for throughout the Finance Member was most conciliatory and there was hardly an amendment of any importance which he did not accept with or without modification. He said that the original Bill was identical with the Bengal Act except for some concessions which the local Government made for the poorer classes over and above those in the Bengal Act. The Finance member next moved that the Bill to impose a tax on motor vehicles as amended by the select committee be taken into consideration. He said that the original estimate of yield from this measure was nine lakhs but the present estimate was about four and a half lakhs.

Next day the Council was prorogued after the passing of the Motor Vehicles Bill and the voting of supplementary estimates. Over this Government had two defeats: one on the question of giving retrospective effect to the increased salaries of deputy conservators of forests and the other in reference to the scheme of the reorganisation of the C. I. D. The Finance Member moved for the grant of Rs. 6,500 under Forests. The sum was required to enable Government to give retrospective effect to the increase of salary of the extra deputy conservators of forests promoted to the imperial service. Pandit Hirday Nath Kunzru moved a reduction by Rs. 3,000. He objected to retrospective effect being given. The amendment was carried by 32 against 24 votes. The Finance Member then moved for a nominal grant for the C. I. D. Pandit Hirday Nath Kunzru moved the omission of the demand as the fact was that the pay of the

third assistant to the deputy inspector general had been provided twice in the budget. That of course did not redound to the credit of Govt. The amendment was carried by 29 against 26. Mr. Chintamani then moved the grant of a demand for Rs. 23,346 under Civil Works for extension of laboratory of the Shajahanpur Sugar works; Choudhry Mukhsar Singh moved an amendment for postponement but the demand was voted on the Hon. Minister's assurance of the importance of the work. The other demands were then voted without discussion.

#### The October Session

The last session of the Council, before it was finally dissolved for the elections, was held on the 24th October 1923.

Next day the only business before the Council was the voting of supplementary estimates in the course of which Government scored a victory by a large majority in the matter of granting Jagirs to the Aman Sabha workers which was the only subject on which there was anything like a debate. The amount of the demand was Rs. 6,330. In March 1922 the late Governor had desired to grant rewards in the shape of assignments or remissions of land revenue to persons who had rendered loyal support during the non-co-operation upheaval of 1921-22. Proposals were accordingly called for and it was intended to grant assignments to the extent of Rs. 6,330 and to give remissions of revenue amounting to Rs. 7,106. The latter was an abandonment of revenue and did not require the vote of the Council. Before the assignments could be made it was, however, necessary to obtain funds and accordingly a demand for Rs. 6,330 was put forward and passed.

On Oct. 26th non-official resolutions were discussed. There were 5 resolutions all of which were carried against Government. One of them related to the appointment of at least one Indian to the office of Conservator of forests, of Deputy Inspector-General of Police and membership of the Board of Revenue. The non-officials were *en masse* behind the mover Mr. Sajjad Ali Khan. Equally solid were they in support of the other resolution relating to the separation of Judicial and Executive functions and to the translation into practice of the scheme formulated by the committee in that behalf which was with characteristic ability handled by Pandit Hirday Nath Kunzru who moved it in the absence of Pandit Iqbal Narain Gurtu due to illness. The resolution that was looked forward to with interest and with no uncertainty as to the result, touching the resignations of the late Ministers and the Governor's acceptance of the same, could not be reached being at the bottom of the list. Of the other resolutions carried one was to prohibit whipping of prisoners in jail, exactly as passed by the Bengal Council, moved by Mr. Chhali B. Kapur, and another was to encourage the hand-spinning and hand-weaving industries moved by Rai Bahadur Shankar Dayal.

On Oct. 27th the Council was prorogued. Before the prorogation there was an important debate on the motion of Pt. G. N. Misra urging withdrawal from the Empire Exhibition. All the speakers on the non-official side gave strong expression to the public feeling as they found it in the province against the Kenya decision and pointed out that self-respect outweighed every other consideration and contended that the only means of vindicating it was by refusal to have anything more to do with the Imperial function. The principal speaker on the Government side was the Minister of Industries who was supported by Kunwar Jagadish Prasad who very vehemently opposed the motion, conjuring up the springing up of secret societies and revolutionary activities in the trail of the Council's decision against participation. The result of the division was rather a surprise for the motion was defeated by 57 votes to 10.

# The Punjab Legislative Council

## Summary of Proceedings—1923

The Punjab Legislative Council opened on Feb. 26th the Hon'ble Mr. Casson presiding. The Council devoted four hours on two non-official resolutions of which one was carried in an amended form and the debate on the other was postponed till the next day when it was withdrawn. The motion carried was to amalgamate the Canal and Revenue Departments at least on one Bajbah if not over the whole canal system.

Next day, Feb. 27th, an important resolution of Sardar Randir Singh regarding the release of persons arrested in connection with Guru ka Bagh affair and the Gurdwara movement over which a lively debate was anticipated was postponed to March 8th on Raja Narendranath's request. Mian Beli Ram's resolution for separate jails for political prisoners evoked a warm debate and in spite of strong Govt. opposition was carried with a small amendment without a division.

On Feb. 28th official business was transacted. The Hon. Lala Harkishenlal presented the Select Committee's report on the Punjab Industrial Loans Bill which was taken into consideration and passed. Mr. Abbott introduced the Punjab Fisheries Amendment Bill which was referred to a Select Committee.

### The Punjab Budget 1923-24

On March 1st Sir John Maynard, Finance Member, presented the budget for 1923-24. It showed a deficit of Rs. 93 lakhs against Rs. 171 lakhs, the estimated deficit for 1922-23. The total revenue receipts amounted to Rs. 958 lakhs 29 thousand, Rs. 64 lakhs more than in the current year and the total expenditure amounted to 1081 lakhs, Rs. 14 lakhs less than in the current year. In spite of increased interest charges and sinking fund for the reduction of debt which the Government of India required to provide the position, said Sir. John Maynard, was admittedly a bad one though better than the previous year. The reductions which had been made in the budget in accordance with the suggestions in the majority and minority report of the Retrenchment Committee included among others the following. One Secretary to the Government was abolished, the emoluments of public prosecutors were reduced by Rs. 50,000, the budget grants for repairs to roads were reduced, grants to communication boards were reduced by rupees three lakhs, expenditure on police reduced by five lakhs and expenditure in Forest Department reduced by 6 lakhs on the revised figures for 1922-23. Towards the close of his speech Sir John Maynard proposed a novel experiment. He asked the Punjab investor to invest in the canals of his own province and intimated that sanction had been obtained to the raising of a loan of a crore of rupees within the Punjab. He hoped public opinion would warmly welcome the attempt to finance their own canals by home borrowing.

On March 5th general discussion on the budget began and ended on the following day and was not marked by much opposition to the budget.

On March 7th there was a keen debate over the motion of the Hon. Mian Fazl-i Hussain that the Punjab Municipal Amendment Bill as reported by the Select Committee be taken into consideration. Notices of as many as 49 amendments were given some of which were accepted and the majority rejected after which the bill was passed.



March 8th was the non-official day. The resolution demanding release of Gurdwara Prisoners was carried in spite of Government opposition. Sardar Ranjhir Singh moved:—This Council recommends to Government that all persons arrested in connection with the Gurm ka Bagh affair, the Kirpan cases and the Gurdwara movement be immediately released. Even Moslem members supported the motion. An amendment was moved by the Chief Secretary to the Govt. who wanted to impose a condition that the released politicals should refrain from their wonted activities. To this there was strong opposition as such a condition would mar the tenor of the resolution itself. The amendment on being put to the vote was rejected by 38 to 26 votes, and the original resolution of Sardar Randhir Singh was then put and carried amidst non-official applause.

Voting on the budget demands next occupied the Council for the following days. On March 13th notices of a large number of amendments to the Government's demands for grants relating to forest had been given but most of them were not moved as a compromise was arrived at and the Revenue Member promised to cut Rs. 5 lakhs from the total demand of Rs. 38,88,000, and a motion was brought forward to that effect and carried. The Council also reduced Rs. 5,000 and odd from the total demand of Rs. 1,36,000 in respect of Registration and Rs. 6,00,000 out of one crore 65 lakhs and odd in respect of Irrigation which included 15 per cent reduction by Government under head "Travelling Allowances."

A heated debate centred round the Government's demand for Rs. 88,80,000 in respect of "General Administration." Raja Narendranath who had given notice of two amendments regarding the cut in the Ministers' salaries did not move the first which was to the effect that the grant be reduced by Rs. 24,000 with respect to the item of Rs. 120,000 salaries of Ministers but moved the second which amounted to a vote of censure on the Minister of Education. It ran as follows: 'That the grant be reduced by rupee one with respect of the item of Rs. 60,000 the salary of the Education Minister.' He strongly criticised the policy of the Hon. Main Fazl-i Hussain in regard to communal representation, while Mian Ahmed Yar Khan and Malik Feroze Khan supported the Education Minister and repudiated the charges brought forward by Raja Narendranath. The debate was continued on the next day and went on for 3 hours evoking the greatest communal feeling after which it was lost by a huge majority.

On March 16th the Council disposed of certain minor amendments and lively discussion ensued on the motion of Mr. Ganpat Rai that the grant be reduced by Rs. 36,000 with respect to the item of "Commissioners." Mr. Ganpat Rai said that the majority of the Retrenchment Committee had recommended that two out of the five Commissioners should be abolished, while the minority had recommended the total abolition of all commissionerships. Before putting the motion to vote the President said that the House when voting on this motion should realise that the actual effect of this motion was to force the Government, unless His Excellency should interfere under Standing Order 74, to remove a distinguished officer from his post, but the Government was perfectly free to put in an imperial officer in his place.

On March 19th the Council made a reduction of Rs. 88,80,000 to general administration and reduced the demands under 'Justice' by Rs. 88,976 and jails by Rs. 50,000 respectively. Amendments to the demands under "police" provided some lively discussion and the motion of Rai Bahadur Sewak Ram to reduce the grant by Rs. 6,29,000 with respect to the item of Rs. 629,000 for 'railway police,' was rejected after an interesting and keen debate. Another lively debate ensued on the motion of the same member to reduce the grant under the Criminal Investigation Department by Rs. 5,000 and the working of this department came in for a good deal of criticism.

On March 20th the Council concluded the budget discussion and made considerable reductions from several important demands. The total reductions under the head "Police" amounted to Rs. 6,06,044 out of the total demand of Rs. 1,55,24,000. The rest of the proceedings of the Council was not marked by any lively discussion except the motion of Mr. Ahmed Yar Khan to reduce the grant to the University by rupee one to show his disapproval of the present regulations of the Punjab University where, according to him, Mussalmans were not fairly represented. The mover amidst constant interruptions by the President went on criticising and attacking the internal working of the Senate when he was asked by the President to resume his seat and his motion being put to vote was lost by 25 to 51 votes. The only other item that provoked some debate in the Council was a motion by Mr. Ganpat Rai to reduce the grant under head "British Empire Exhibition" by Rs. 76,500 as he was doubtful as to the utility of this exhibition. The motion was rejected and the Council voted a total sum of Rs. 9,06,825 under the head "Industries." The rest of the demands were voted without discussion.

When the Council reassembled on March 21st the debate on Government's resolution for the appointment of a committee to consider the ways and means for increasing provincial revenues which was moved by Sir John Maynard in the last session and the discussion on which was postponed in November last was resumed. The majority of non-official members strongly opposed the resolution pointing out that no useful purpose would be served by the appointment of the committee while the Hon. Lala Harkishen Lal and Mr. Miles Irving supported. Sir John Maynard made a lengthy speech pointing out that although the Council had effected a total reduction of 25 lakhs from the budgetted expenditure there was still a deficit of 68 lakhs in the Provincial revenues which they will have to meet in some form or other. Demands having been voted the Budget was passed. On March 23rd, the Council closed its budget session after discussing some minor non-official resolutions.

### October Session 1923

The last session of the Punjab Legislative Council opened on Oct. 20th. Despite a very poor attendance the Council disposed of much important work. It referred to Select Committees the Punjab Local Option Bill and the Punjab Opium Smoking Bill, passed the Punjab Fisheries (Amendment) Bill, accepted a resolution regarding the establishment of a Provincial Co-operative Bank, elicited information in response to questions of considerable public importance, and rejected the motion to refer to a Select Committee the Court Fees (Punjab Amendment) Bill. After questions S. Dasaunda Singh moved that in view of the serious situation that had arisen by reason of the declaration of the Shromani Gurdwara Prabandhak Committee and the Akali Dal as unlawful associations the day's proceedings be adjourned. The President ruled it out of order.

On Oct. 22nd R. S. Lala Thakar Dass moved "that this Council recommends to the Government that such of the prisoners convicted of offences of a political nature, viz, offences under the Prevention of Seditious Meetings Act, the Criminal Law Amendment Act, Chapter VIII (offences against the Public tranquility) of the Indian Penal Code, Chapter VI (Offences against the State) of the Indian Penal Code, and Chapter VIII (Security Provisions) of the Criminal Procedure Code, as are still undergoing their sentences and have not been convicted of offences involving violence to person or property or incitement to such violence be released forthwith." After a lengthy debate the motion was put to vote and rejected by an overwhelming majority, 7 voting for and 82 against.

On Oct. 24th purely official business was transacted. The reports of the select committees on the Punjab Local Option Bill and the Punjab Opium

March 8th was the non-official day. The resolution demanding release of Gurdwara Prisoners was carried in spite of Government opposition. Sardar Randhir Singh moved :—This Council recommends to Government that all persons arrested in connection with the Guru ka Bagh affair, the Kirpan cases and the Gurdwara movement be immediately released. Even Moslem members supported the motion. An amendment was moved by the Chief Secretary to the Govt, who wanted to impose a condition that the released politicals should refrain from their wonted activities. To this there was strong opposition as such a condition would mar the tenor of the resolution itself. The amendment on being put to the vote was rejected by 38 to 26 votes, and the original resolution of Sardar Randhir Singh was then put and carried amidst non-official applause.

Voting on the budget demands next occupied the Council for the following days. On March 13th notices of a large number of amendments to the Government's demands for grants relating to forest had been given but most of them were not moved as a compromise was arrived at and the Revenue Member promised to cut Rs. 5 lakhs from the total demand of Rs. 38,38,000, and a motion was brought forward to that effect and carried. The Council also reduced Rs. 5,000 and odd from the total demand of Rs. 1,36,000 in respect of Registration and Rs. 6,00,000 out of one crore 65 lakhs and odd in respect of Irrigation which included 15 per cent reduction by Government under head " Travelling Allowances."

A heated debate centred round the Government's demand for Rs. 88,80,000 in respect of "General Administration." Raja Narendranath who had given notice of two amendments regarding the cut in the Ministers' salaries did not move the first which was to the effect that the grant be reduced by Rs. 24,000 with respect to the item of Rs. 120,000 salaries of Ministers but moved the second which amounted to a vote of censure on the Minister of Education. It ran as follows : 'That the grant be reduced by rupee one with respect of the item of Rs. 60,000 the salary of the Education Minister.' He strongly criticised the policy of the Hon. Main Fazl-i Hussain in regard to communal representation, while Mian Ahmed Yar Khan and Malik Feroze Khan supported the Education Minister and repudiated the charges brought forward by Raja Narendranath. The debate was continued on the next day and went on for 8 hours evoking the greatest communal feeling after which it was lost by a huge majority.

On March 16th the Council disposed of certain minor amendments and lively discussion ensued on the motion of Mr. Ganpat Rai that the grant be reduced by Rs. 86,000 with respect to the item of "Commissioners." Mr. Ganpat Rai said that the majority of the Retrenchment Committee had recommended that two out of the five Commissioners should be abolished, while the minority had recommended the total abolition of all commissionerships. Before putting the motion to vote the President said that the House when voting on this motion should realise that the actual effect of this motion was to force the Government, unless His Excellency should interfere under Standing Order 74, to remove a distinguished officer from his post, but the Government was perfectly free to put in an imperial officer in his place.

On March 19th the Council made a reduction of Rs. 88,80,000 to general administration and reduced the demands under 'Justice' by Rs. 88,975 and jails by Rs. 50,000 respectively. Amendments to the demands under "police" provided some lively discussion and the motion of Bai Bahadur Sewak Ram to reduce the grant by Rs. 6,29,000 with respect to the item of Rs. 629,000 for 'railway police,' was rejected after an interesting and keen debate. Another lively debate ensued on the motion of the same member to reduce the grant under the Criminal Investigation Department by Rs. 5,000 and the working of this department came in for a good deal of criticism.

On March 20th the Council concluded the budget discussion and made considerable reductions from several important demands. The total reductions under the head "Police" amounted to Rs. 6,06,044 out of the total demand of Rs. 1,55,24,000. The rest of the proceedings of the Council was not marked by any lively discussion except the motion of Mr. Ahmed Yar Khan to reduce the grant to the University by rupee one to show his disapproval of the present regulations of the Punjab University where, according to him, Mussalmans were not fairly represented. The mover amidst constant interruptions by the President went on criticising and attacking the internal working of the Senate when he was asked by the President to resume his seat and his motion being put to vote was lost by 25 to 51 votes. The only other item that provoked some debate in the Council was a motion by Mr. Ganpat Rai to reduce the grant under head "British Empire Exhibition" by Rs. 76,500 as he was doubtful as to the utility of this exhibition. The motion was rejected and the Council voted a total sum of Rs. 9,06,825 under the head "Industries." The rest of the demands were voted without discussion.

When the Council reassembled on March 21st the debate on Government's resolution for the appointment of a committee to consider the ways and means for increasing provincial revenues which was moved by Sir John Maynard in the last session and the discussion on which was postponed in November last was resumed. The majority of non-official members strongly opposed the resolution pointing out that no useful purpose would be served by the appointment of the committee while the Hon. Lala Harkishen Lal and Mr. Miles Irving supported. Sir John Maynard made a lengthy speech pointing out that although the Council had effected a total reduction of 25 lakhs from the budgetted expenditure there was still a deficit of 68 lakhs in the Provincial revenues which they will have to meet in some form or other. Demands having been voted the Budget was passed. On March 23rd, the Council closed its budget session after discussing some minor non-official resolutions.

### October Session 1923

The last session of the Punjab Legislative Council opened on Oct. 20th. Despite a very poor attendance the Council disposed of much important work. It referred to Select Committees the Punjab Local Option Bill and the Punjab Opium Smoking Bill, passed the Punjab Fisheries (Amendment) Bill, accepted a resolution regarding the establishment of a Provincial Co-operative Bank, elicited information in response to questions of considerable public importance, and rejected the motion to refer to a Select Committee the Court Fees (Punjab Amendment) Bill. After questions S. Dasaunda Singh moved that in view of the serious situation that had arisen by reason of the declaration of the Shromani Gurdwara Prabandhak Committee and the Akali Dal as unlawful associations the day's proceedings be adjourned. The President ruled it out of order.

On Oct. 22nd R. S. Lala Thakar Dass moved "that this Council recommends to the Government that such of the prisoners convicted of offences of a political nature, viz, offences under the Prevention of Seditious Meetings Act, the Criminal Law Amendment Act, Chapter VIII (offences against the Public tranquility) of the Indian Penal Code, Chapter VI (Offences against the State) of the Indian Penal Code, and Chapter VIII (Security Provisions) of the Criminal Procedure Code, as are still undergoing their sentences and have not been convicted of offences involving violence to person or property or incitement to such violence be released forthwith." After a lengthy debate the motion was put to vote and rejected by an overwhelming majority, 7 voting for and 32 against.

On Oct. 24th purely official business was transacted. The reports of the select committees on the Punjab Local Option Bill and the Punjab Opium

Smoking Bill were presented. Government demands for supplementary grants in respect of land revenue, general administration, administration of justice and the police came up for vote and discussion, and the Council voted Rs. 269,253 out of the total demands for Rs. 351,753.

On Oct. 25th further demands for supplementary grants were voted. To a Government supplementary demand of Rs. 60,148 in respect of industries, Lala Ganpat Rai moved an amendment that the grant be reduced by Rs. 20,000 in connection with the British Empire Exhibition, but very few members supported the amendment which was rejected.

On Oct. 26th official business was concluded and the Punjab Local Option Bill and the Punjab Opium Smoking Bill were passed. Non-official resolutions were then discussed of which one was withdrawn, one was partially accepted and the other was under discussion when the Council was dissolved.

Next day the Council was formally prorogued by H. E. the Governor.

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## Bihar & Orissa Council 1923

### Summary of Proceedings

The B. & O. Legislative Council opened on the 6th of Feb. 1923. The first business was to consider the BEHAR TENANCY (Amendment) BILL as amended by the Select Committee. Babu Nirsu Narain Sinha wanted permission to move his amendment that the consideration of the question be postponed *sine die*. This was ruled out of order. He then opposed the motion of the Hon'ble Mr. McPherson that the bill be taken into consideration and suggested that the bill be postponed till after the next election. He however withdrew his motion on other non-official members supporting Govt. There was great difference of opinion between the tenant-members and the landed interests, and to arrive at a unanimity of opinion the matter was postponed several times for informal conferences. Still no progress could be made with the bill and on Feb. 12th Mr. McPherson informed the House that protracted negotiations between the landlords and the tenants for the amicable settlement of disputed points in the Bill had fallen through. He therefore suggested that either consideration of the Bill be postponed or that the less controversial minor amendments should be taken up first.

Babu Devaki Prasad Sinha speaking for the tenants said that they knew they were in a minority and had accordingly nothing to say on the point. The landlords urged that the amendments be taken in order as they stood. This being the opinion of the majority discussion was proceeded with. Discussion on an amendment moved by Sayid-Abbas Ali providing that raiyats and landlords should have equal rights in timber and that neither should cut down trees without the consent of the other was postponed at the request of Government till the consideration of the bill was again taken up at a future date. Subsequently however the bill was altogether dropped.

## The B. &amp; O. Budget 1923-24.

The Budget was presented on Feb. 15th. The Hon. Mr. Sinha in introducing it said that when the Budget was introduced last February they expected an opening balance of Rs. 60 lakhs and 61,000, a revenue of Rs. 4 crores 45 lakhs and 51,000, an expenditure of Rs. 4,96,66,000 and a closing balance of Rs. 7,41,000. But it turned out that the opening balance was Rs. 92,90,000. The revenue owing to reduction after the Non-co-operation campaign and new taxation was now expected to be Rs. 4,88,28,000 and expenditure was estimated at Rs. 4,79,02,000. Increase in excise revenue and new taxation had enabled them to balance the budget and instead of closing the year with a balance of Rs. 7,41,000 they expected to close it with Rs. 1,19,12,000 including Rs. 19,56,000 for famine insurance fund. Revenue for the 6th year had been estimated at Rs. 4,98,88,000; estimated expenditure chargeable to revenue had been roughly assessed at Rs. 4,78,00,000. They had therefore felt justified in including new schemes to the amount of Rs. 18,00,000 recurring and Rs. 25,00,000 non-recurring expenditure raising the total expenditure to Rs. 5,11,13,000. The closing balance was put at Rs. 1,7,44,000. As regards the future expenditure he said he had been able to provide for every sanctioned scheme which the Hon'ble Ministers had put forward. The expenditure on the new scheme was divided between two portions of the Government as follows.—Of the recurring expenditure of Rs. 12,98,000 Rs. 1,80,000 had gone to reserved department and Rs. 11,68,000 to the transferred; while of the non-recurring expenditure of Rs. 25,14,000, Rs. 8,55,000 had gone to the reserved departments and Rs. 16,59,000 to the transferred. Amongst the principle schemes put forward were: improvement of primary education at a recurring cost of 5-half lakhs; provision for 2 lakhs recurring and 8 lakhs non-recurring for the development of medical work in districts; provision for raising the Behar school of engineering to the status of a College.

On Feb. 16th SUPPLEMENTARY DEMANDS were made. Mr. Collins, Director of Industries, moved for a grant of Rs. 2,000 for contribution to the British Empire Exhibition. Mr. Nirshu Narayan Sinha opposed the grant. He said that last year the Ministers convened a meeting presided over by His Excellency the Governor to discuss this matter in which most of the members had committed themselves to support this demand. He characterised this procedure as unconstitutional and against the principles of the Reforms which laid down that no meeting of Council members be presided over by the Governor so that the members may be free in the expression of their views. Speaking on the grant he said that no benefit was to be gained by taking part in the exhibition which was being held mainly for the benefit of Great Britain to revive her trade after the war. Rai Bahadur Dwarka Nath also opposed the demand. He said that they had greatly suffered in the hands of foreign manufacturers in the past and they always apprehended that any exhibition of their products would tempt the foreigners and their trade would be ruined. A large number of members however supported the demand which was allowed by 29 votes against 6. The other demands were all passed after discussion.

On Feb. 17th non-official business was transacted. Babu Ganesh Dutt Singh moved a resolution recommending the release of all political prisoners convicted under the Criminal Law Amendment Act or Section 124A, I. P. C., or Section 108 Cr. P. C., to which Mr. Yunus added an amendment that the notification declaring the Congress and Khilafat Volunteers' Association unlawful be immediately withdrawn. A hot debate followed, Govt. strongly opposing the motion. The Home Member said that they were not going to follow the U. P. or other Government. The debate was continued on the 19th. In the end however members were found equally divided on Mr. Yunus' amendment which was lost

by the casting vote of the President. The original motion for the release of political prisoners was carried by 25 votes against 23.

On February 19th some other non-official resolutions were passed. Government accepted a resolution moved by Chaudhuri Ragnandan Prashad Sinha that separate kitchens be provided in all Dak Bungalows for orthodox Hindus. The Council then proceeded to discuss the question of free and compulsory education on which no less than seven resolutions had been sent in. Babu Nirsu Narayan Sinha moved that early steps be taken to make the primary education for boys free and compulsory throughout the provinces and a small committee be appointed to prepare a scheme. After a good deal of discussion during which Government declared itself sympathetic but gave its opinion that time was not yet ripe for the introduction of free and compulsory education, the original resolution was broken up into the following heads at the suggestion of the Education Minister : (1) that the Council recommends the Government to take early steps to make primary education free for boys throughout the province, (2) that the declared policy of the Government should be to make Primary education compulsory as soon as possible, and (3) that a Committee be appointed to prepare a complete scheme for the introduction in municipal and rural areas. The resolution was passed in the above form.

On Feb. 20th general discussion on the budget took place. All speakers highly congratulated the Hon'ble Mr. Sinha on the budget presented by him. Some members took exception to his remarks that much was not to be expected from the recommendations of the Bihar Retrenchment Committee and that new taxations imposed last year could not be taken away in view of the prosperous condition of finance of the current year. It was also pointed out that it was not a good policy to depend on excise revenue. Rai Bahadur Dwarkanath drew the attention of the House to the fact that nearly one-fifth of the total revenue of the province was spent on the police and urged the necessity of reduction under that head. Provision for the future medical college was considered unnecessary by some members. What the province needed was not a medical college but more medical schools. Rai Bahadur Purnendu Narayan Sinha thought that the forests of the province could be made more profitable and Rai Bahadur Dwarkanath strongly urged the desirability of taxing coal.

On Feb. 22nd the Hon. Mr. Das presented the Select Committee's report on LOCAL SELF-GOVERNMENT Amendment Bill. Mr. Hallet, Secretary for Local Self-Government, moved an amendment providing that the provisions of the Bill should not be applicable to the Manbhoom district on account of its mining activities. The amendment was opposed on the ground that it would strengthen the hands of capitalists. The Hon. Mr. Das explained that the Mining district was different from the average district containing rayats and zamindars as the latter's interest in the District Board ended with the payment of cess, whereas the Mine-owner was responsible for the health and well-being of his employees. The amendment was however rejected by 25 votes to 14. On this defeat a question arose subsequently whether the Minister, Mr. Das, would resign. The point arose on the 26th Feb. when Mr. Das said he had consulted the Governor and the opposition members and was assured by them that the adverse vote did not mean a vote of no-confidence and therefore he had decided not to resign. He however withdrew another amendment of Mr. Hallet permitting Govt. to delegate their power of scrutinising the District Boards Budget to the Divisional Commissioner and other local officials as there was a very strong non-official opinion against this proposal. The Local Self-Government Bill was then finally passed.

On Feb. 27th the Education Minister introduced the Patna University Amendment Bill which sought to make provision giving power to the Chancellor

to depute any person to inspect the University or a college in his stead. Rai Bahadur Dwarka Nath moved that the Bill be referred to Select Committee which was accepted and a Select Committee was formed to consider the Bill.

On March 6th voting on Budget demands was taken up. The Government demand of Rs. 84,063 for revision of settlement operations at Ranchi was disallowed on the motion brought by Khawaja Mahomed Hakim Jan of Ranchi, but Rai Bahadur Dwarkanath's motion for urgent reduction of the sum demanded for survey and settlement was lost. He characterised the settlement operation as a herd of locusts which eat up the vitals of the land. It increased disputes between landlords and multiplied lawsuits. He also drew attention to the corruption in the settlement department. Government demand of Rs. 13,100 for Deputy Commissioner of Excise was refused on the motion of Mr. Rajiva Rajan Sinha. The Council was of opinion that this post was superfluous and should be abolished.

On March 7th Babu Birabar Narayan Chandra Dhir Narendra moved a resolution that the demand for the maintenance and repairs of the Orissa Canal be reduced by Rs. 2,000. He said that the Orissa had proved a veritable curse to the people by penting up flood waters and preventing the country from being flushed, thus increasing unhealthiness. The motion was withdrawn on Government promising to make a thorough enquiry into the matter. Babu Devki Persad Sing moved that the item of Rs. 60,000 for the tour expenses of His Excellency the Governor be reduced by Rs. 30,000. He said His Excellency's touring expenses had very much increased since 1912-13 when the province was first founded. The motion was withdrawn after a short discussion. The most important item was reached when Babu Ganesh Dutt Singh moved that the item of Rs. 120,000 for the salaries of the Ministers be reduced by Rs. 24,000. He said that a similar resolution was introduced in the Council in February 1921 but was lost. He had since then been encouraged by the announcement made in the Council in Feb. 1922 by the Hon. Mr. Das that he was willing to serve without salary. Mr. Das had also promised to present a scheme to the Council during the present year by which an honorary Minister would be appointed permanently but that had not been yet done. Ministers in their province were paid Rs. 5,000 a month while in Madras, Bombay and the United Provinces they received Rs. 4,000. A long debate followed, the majority of non-officials supporting the motion, and it was continued on the next day when the Hon. Mr. Das explained what he meant when he said that he would serve honorary. He was ready to do so but if the Council passed the motion which amounted to a vote of censure, he would resign. The Hon. Khan Bahadur Fakhruddin, the Minister for Education, said that a few months ago when he read in the papers that Ministers in the United Provinces had agreed to accept less salary he felt that they in this province also ought to serve on reduced pay. He was thinking of making an announcement during this budget session but he hesitated to do so on the receipt of notice of this motion. If this motion was withdrawn he would communicate his announcement to His Excellency. Here Babu Ganesh Dutt Singh interrupted and said that he would withdraw his motion if the Hon. Minister made his announcement then in the Council. After some consultation with the Hon. Mr. Das, the Hon. Mr. Fakhruddin asked the President for some time in which to arrive at a decision in consultation with the Hon. Mr. Das which the President granted and the Council then adjourned for lunch. After lunch Babu Ganesh Dutt Singh asked leave of the Council to withdraw his motion for reduction of the Ministers' salaries whereupon the Hon. Mr. Fakhruddin announced that he was willing to serve on Rs. 4,000 a month; further that he had persuaded the Hon. Mr. Das to do the same and had his authority to announce it to the Council on his behalf. He asked the Council to note that they did so of



their own free will and not under any compulsion. This was received with applause by the Council.

#### Resignation of the Hon. Mr. Das.

Next day the President read a long communication from H. E. the Governor announcing that the Hon. Mr. Das, Minister of Local Self-Government, had tendered his resignation which had been accepted. It appeared that Mr. Das wrote to His Excellency on the 7th February 1928 a very long letter that the success of the reforms necessitated that the office of Minister of Local Self-Government should be honorary and offered to serve honorary on condition that he should be allowed to earn his living as a lawyer. His Excellency replying had said that there were serious objections to his proposal of being allowed to practise as a lawyer while he continued as Minister. To this Mr. Das had not replied but now he tendered his resignation on the same grounds as stated by him in February. Mr. Das then took his seat amongst the ordinary members.

Voting on the budget went on till the 14th March and the demands with but insignificant cuts were all passed.

On March 16th non-official resolutions were taken up. Kumar Rajivnandan's resolution that the post of the Secretary to the Council be made a listed post was carried without opposition. A motion by Mr. Abbas Ali that Urdu be made Court script optionally was after a long debate negatived by 20 votes against 9, while Bahu Nirsu Narayan's motion for a hospital at Harihar Chatra (Sonapore) was accepted.

Next day non-official resolutions were further discussed. M. Hafiz Nurul Huq's motion that Govt's increased water-rates in the Sone canal be cancelled evoked some warmth. The Govt. member confessed that higher rates on Sone was raised to compensate for the loss in the Orissa Canals. This was resented by the members and the motion was passed against Govt. by a majority of 1 vote. A motion of Mr. Mubarak Ali to stop the grave corruptions going on in the Courts was carried without opposition, the Hon. Mr. Sinha promising to inform himself of what had been done in the matter in the U. P. and the Punjab.

March 19th was the last day of the Budget session of the Council when the Patna University Bill was passed, as also the Jharria Water supply bill. Supplementary demands were then assented to and the Council then adjourned.

#### The July-August Session

The Council met again on 13th July at Ranchi when the Hon. Mr. McPherson introduced a Bill to amend the Chota Nagpur Tenancy Act of 1908. He pointed out that in 1922 he introduced a Bill to make it clear that certain contracts of commercial nature relating to timber and other articles of forest produce should be excluded from the jurisdiction of the revenue courts which under the amendment Act of 1920 were ordinarily to deal with disputes regarding forest rights. When the Select Committee presented its report on the Bill of 1922 it pointed out that the measure did not cover one or two points and on the recommendation of the Committee Government decided to withdraw the Bill of 1922 and introduce a fresh bill dealing with those points after further enquiry. The present bill was the result. It was referred to a select committee.

The Hon. Khan Bahadur Fakhruddin then introduced a Bill to make provision for and to regulate the giving of State aid to industries. He said that the measure owed its origin to the Report of the Indian Industrial Commission. In the discussion which followed fault was found with the Bill mainly on the ground that its scope was insufficiently wide. Comparison was made with Madras and in the end the Hon. Minister agreed to enlarge the scope of the bill which was then referred to a select committee.

The Hon. Mr. Sachchidananda Sinha presented the report of the Committee on public accounts constituted for the financial year 1921-22 for dealing with the appropriation accounts of Behar and Orissa. Supplementary demands were then taken up. There was some discussion on a demand of Rs. 750 for the appointment of an assistant to the High Court law reporter. It was urged that two reporters on Rs. 200 per month each might be appointed in the place of one on Rs. 400 as at that time. After a good deal of discussion the grant was allowed by 35 votes against 14. In discussing a demand of Rs. 11,000 for temporary police force in Purnea where cases of dacoities had greatly increased necessitating the employment of extra police Mr. Nirshu Narayan Sinha submitted that if the people of the district were more liberally allowed to possess firearms, dacoity would decrease. It was regrettable that firearms were available to dacoits but not to respectable zamindars and money-lenders. The demand was granted. Other demands were then allowed without much discussion.

The Council was then adjourned till the 27th August.

On Aug. 27th the Hon. Mr. McPherson introduced the Chota Nagpur Tenancy Bill as amended by the Select Committee and it was passed after a short discussion. The Hon. Khan Bahadur Fakhruddin then moved the Bihar and Orissa State Aid to Industries Bill as amended by the Select Committee for consideration. Mr. B. A. Collins moved an amendment that three members be elected by members of the Legislative Council to the Board of Industries instead of five as provided in the Bill. He said that the presence of a large number of laymen in the Board would hinder its work. This was carried by 24 to 23 votes. Khan Bahadur Fakhruddin then moved that the provision in the bill that rules framed for the working of the act should be laid before the Council before it was brought into operation should be omitted. He said that this procedure might unnecessarily delay the operation of the Act. The amendment was carried. Khan Bahadur Fakhruddin then moved that the Bill be passed which was done.

On Aug. 28th Chowdhuri R. P. Sinha introduced the Bihar and Orissa Food Adulteration Amendment Bill which he said was drafted on the lines of a similar act in force in the United Provinces dealing with the materials with which drugs were prepared. The Bill was passed.

Next day Supplementary demands were taken up. Hon. Khan Bahadur Fakhruddin's demand for Rs. 1,50,000 for the establishment of a sugar factory in South Bihar met with considerable opposition. The demand was rejected. Mr. Dain's demand of Rs. 1000 as the first instalment of the sum necessary for the preservation of the Lingraj Temples of Bhubaneswar met with general approval and was granted.

On Aug. 30th Saiyed Mubarak Ali moved a resolution recommending the general pardon of political prisoners so as to render them eligible for election to the Council at the next general election. The Hon. Mr. McPherson for the Government maintained that it would be folly on the part of Government to consider any question of a general amnesty. The resolution was passed without a division. Mr. Nirshu Narayan Sinha then moved that whipping should be abolished as a punishment in jail which was often inflicted on political prisoners for alleged breach of jail discipline. Next day the Hon. Mr. S. Sinha for Government assured the Council that he would like to abolish whipping at a stroke of pen if he could do so but it was not possible under the present circumstances. There were a class of prisoners who could not be dealt with in any other way and the whipping was resorted to only in extreme cases when every other form of punishment had failed. After several speeches the resolution was carried but the Hon. Mr. Sinha stated that Govt. could not accept it.

On Aug. 31st Mr. McPherson made a statement about the devastation caused by recent floods in Bihar. His statement went to show that in the Arrah

District about 150 square miles were under water. In some parts 75 per cent of the houses collapsed. The damage to the crop was great and there was much loss of stored grain including seed. The area most seriously affected was Saran, Gaya, Arrah, Chapra and Patna. At Patna the most serious aspect of the case was damage to the Patna Canal. Non-official members suggested relief work which the Home Member accepted.

Next day the Council was prorogued with a long speech by H. E. the Governor who reviewed the work of the first reformed Council.

## Bombay Legislative Council 1923

### Summary of Proceedings

The Bombay Legislative Council was opened on the 19th February 1923 by H. E. the Governor Sir George Lloyd who boasted in his address that his stewardship for the 4 years had resulted in an unprecedented activity in all public departments! The policy of retrenchment had placed his Govt. alone in India in a position of solvency and his Govt. could show a surplus budget.

Budget was then presented. The Hon. Mr. Lawrence, Finance Member, in presenting it said that the food grain prices had declined during the year and after a serious depression trade was showing signs of revival. Stringent retrenchment combined with fresh taxation had produced a solvent budget. Revenue and expenditure had balanced, it was true, he said, at the cost of retrenchment which had been pursued to an extreme limit and which meant cutting off of the services to which the public were entitled. Referring to the commitments of the Government, he said that out of ten crores of irrigational expenditure in the Presidency proper, 7 and half had been already spent. The balance remained to be spent in the next 4 years. The Sukkur barrage project would cost 18 crores and it would take six years to complete the barrage and to link it up with the existing canals and to construct the first section of the canals. The barrage would not stand idle at all. As soon as it was completed, perennial irrigation on a vast scale would begin, but the net-work of canals eventually would be so vast that the work thereon would continue for another 6 years. The expenditure would be roughly at the rate of two crores a year for the first six years and one crore a year afterwards. By adjustment of sales of land it was proposed to restrict the borrowing to 15 crores.

#### Details of Budget.

The budget for 1922-23 anticipated a revenue of 1402 lakhs against an expenditure of 1410 lakhs—a deficit of 8 lakhs. The result of the year's working had been to turn this deficit into a surplus of 56 lakhs. In addition of 63 lakhs which had been budgeted for famine relief only 3 lakhs had been spent and the surplus of 60 lakhs had been transferred to the Famine Insurance Fund. This made

a total surplus of 116 lakhs over expenditure. The Finance Member said the financial situation might be taken as generally satisfactory for the moment and gave credit to all officers of the Government for restriction of expenditure and recovering revenue by all means in their power.

Turning to the budget for 1923-24, he said the revenue and expenditure account was estimated to show a surplus of over 5 lakhs, revenue amounting to Rs. 1,437 lakhs and expenditure to Rs. 1,432 lakhs. The closing balance was taken at 336 and half lakhs or 25 lakhs better than the actuals of 1920-21, the financial year immediately preceding the reforms. Exclusive of the capital required for the Sukkur barrage and Rs. 1020 lakhs for the Bombay development schemes, the borrowings proposed for ordinary purposes amounted to Rs. 176 lakhs. The Finance Member emphasised that although the position at that moment was sound the balance between revenue and expenditure would be difficult to maintain in future when the recoveries of arrears due to famine suspension ceased and land revenue receipts returned to normal. The development of Bombay city was excluded from the above figures. The Development department would borrow next year Rs. 285 lakhs; Bombay Municipality 275 City Improvement Trust 260, Bombay Port Trust 200, making a total of 1,020 lakhs.

The Council then passed the Boilers' Inspection Bill and carried successfully the second reading of the Bombay Port Trust Bill. In the latter case Messrs. Lalji Naranji and Kanji Dwarkadas in their minute of dissent in the Select Committee urged for more seats for Indians on the Bombay Port Trust while Mr. Jadav demanded separate representation for labour. These points were conceded and the Council passed the Port Trust Bill the next day.

On this day, February 20th, the budget was discussed. Of the non-officials Mr. Trivedi declared that the retrenchment made had affected the higher grades of the services the least but the poorly paid lower grades were the worst sufferers. He suggested the abolition of the Provincial Industries department which was a mere luxury. Another member considered that the Indianisation of the services was the only means of getting over financial stringency. Next day discussion on the budget was continued. Members representing business interests strongly criticised Government's currency policy. It was asserted that financial difficulties could not be overcome unless the currency problem was solved. Mr. Lalji Naranji, the opposition leader, made an impressive speech in the course of which he said there was no real control given to the provincial Legislature as long as such control did not exist in the Central Government. The financial policy of the Central Government was the back-bone of all departments and if that Government's finances were sound the provinces would always be called upon to pay less. He maintained that the budget that was placed before the Legislature without any effective control on financial policy or taxation was a deception on the public. He refuted the argument of Mr. Lawrence that food prices in India compared favourably with France and other European countries. Such comparisons, Mr. Lalji said, were unfair as the relative value of coin of each country and several other factors had to be taken into account before such comparisons. He next criticised the currency policy of the Government of India and complained that any representation made to that Government by commercial communities in India on any matter of financial policy received no consideration at their hands. Several other members then pointed out the other shortcomings of the budget.

On Feb. 22nd Mr. Haji's resolution demanding the release of Mr. Sher Khan Bijarani M. L. C. who had been imprisoned arbitrarily by the local authority of Sind came up for discussion when the Home Member announced that the question was *sub judice* and as such could not be at that moment discussed. This matter came up again on Feb. 27th when non-official members made out a strong case against the extraordinary law under which Mr. Sher Khan was kept

in prison and denied either bail or open trial. The motion which amounted to a vote of censure on the Govt. would have been carried by the non-officials had not Sir Ibrahim promised on behalf of Govt. to let the accused be released on bail which was subsequently done.

On Feb. 23rd an animated discussion took place on Dr. Kapadia's case which came in the form of a resolution moved by Mr. J. B. Petit recommending to the Government that in view of the judgment of the Chief Presidency Magistrate and his remarks, the police superintendent Carter be adequately punished in the interests of the good name of the police and for the safety of the public. The facts of the case are that Dr. Kapadia, an eminent medical practitioner of Bombay, had been arrested by Carter and remanded to custody for 12 hours on the ground of being in possession of stolen property, namely, a measuring scale! The Presidency Magistrate passed strong strictures against superintendent Carter who seemed to have avenged some private grudge and the matter created quite a sensation in Bombay. Govt. refused however to accept the Council's view. The motion was carried.

On Feb. 26th non-official motions were taken up. The resolution which was warmly debated urged Govt. not to recover the money recoverable from Bombay citizens on account of the disturbances which took place in Nov. 1921 at the time of the Prince of Wales' visit. The supporters of the resolution declared that the police authorities had failed to preserve law and order in the city during the riots. Although they were aware beforehand that something of a serious nature was inevitable, they did not adopt effective safeguards. Great injustice would be done to the citizens of Bombay if on account of the negligence of police officers they had to pay compensation. The members who were not in favour of the resolution believed Government had adopted means by which alone they would be able to recoup the losses of those who actually suffered. Mr. Dubbalker suggested that compensation should be recovered from the political party that was responsible for the Bombay riots while Mr. Bole representing the depressed classes maintained that the non-cooperators ought to be made to pay out of the Congress fund one crore of rupees!

Voting on the Budget was taken up in March. Many cuts were proposed but very few could be carried. The Council ended its Budget session on March 15th and then adjourned for the June Session. On March 5th an animated debate took place on a motion proposed by Mr. Trivedi for a reduction in the salaries of the Ministers. Each Minister up till now had drawn a monthly salary of five thousand three hundred rupees. Mr. Trivedi suggested that it should be reduced to three thousand in view of the present economic position of the country. He thought that by accepting the reduction the Ministers would create a precedent and facilitate the process of reduction of salaries in the Civil Services. Such sacrifice on the part of Ministers, he said, would inspire the Executive Councillors to "climb down" and bring the Government to its senses. An amendment by Mr. R. K. Kale reducing the salary to Rs. 1,44,000 per year was accepted by the Ministers and the motion was passed.

### The June Session 1923

The session of the Council arranged specially for the purpose of getting the Council's sanction to the SUKKUR BARRAGE PROJECT commenced on June 8th. Sir Ibrahim Rahimtoolah took the oath of allegiance and occupied the Presidential chair left vacant by the death of Sir Narayan Chandavarkar. The session was opened by His Excellency Sir George Lloyd

who solicited the Council's sanction to the Sukkur barrage project so that the province would be developed to its full potentiality. After a resolution was passed expressing condolence on the death of Sir Narayan, the debate on the Sukkur barrage project was started by Sir Chimanlal Setalvad, proposing the following resolution for discussion: "This Council approves of the Sukkur barrage project as sanctioned by the Secretary of State and recommends to the Governor in Council that the work should be commenced as soon as possible." The debate was continued on the next day when Mr. Trivedi complained of the hurried manner in which such a gigantic scheme was being rushed through the Council. They had taken twenty years to prepare the scheme but were not going to allow as many days to the Council to consider the same. He was also suspicious that the scheme resulting in larger cotton production was being promoted in Lancashire's interests and his suspicions were confirmed by Earl Winterton's recent speech. Mr. Trivedi also asked for guarantees that in the execution of the scheme indigenous intellect would be given fullest play, and materials, plant and machinery purchased in the cheapest market. With this object he moved an amendment for the association of a non-official committee of the House with the member in charge. Rao Sahib Harilal Desai also moved a long amendment which after giving the grounds on which further consideration was asked demanded the appointment of a committee to carefully go into its financial aspect. Mr. Jehangir Petit gave his support to the scheme but shared the suspicions expressed by Mr. Trivedi as to the undue partiality that might possibly be shown towards the interests of Lancashire. Mr. Lalji Narayanji favoured a closer examination of the project by a competent committee. He asked for definite assurances that no foreign syndicates would be patronised except with the consent of the Council. Mr. Gandhi was in favour of postponement for, he said, even when the question was brought before the Council in September 1921 it was sprung upon them as a surprise. The usual notice was waived, but the resolution was then unanimously carried as there was every hope that the Government of India would help the project. The position of the Government then was that the local Government unaided would be unable to bear the burden of financing the scheme, but the Government of India had since refused to undertake any liability in connection with the barrage and it was no use rushing forward with the scheme. An argument against delay was that if the resolution was not carried, order for plant and machinery could not be placed within the year. Mr. Gandhi quoted from Government records to show that the Chief Engineer wanted a blank cheque in the matter and he therefore supported Mr. Trivedi's suggestion for the appointment of a Standing Committee to work with the member in charge. In reply to the debate Sir Setalvad gave the assurances as demanded by the speakers. The proposition was eventually carried. A supplementary grant of Rs. 56 lakhs for the construction of the project was passed and the Council then adjourned.

### The August Session

The last session of the Council met on the 30th July 1923. At the very outset an adjournment was moved to discuss the recent flogging of Mulshi prisoners in jail for alleged breach of jail discipline but it was not allowed. Mr. Lalji Narainji then moved another adjournment to record the resentment felt by the House at the Kenya decision of the Imperial Government. Mr. Narainji said that the merchants of Kenya comprised a large number of the subjects of the Bombay Government and he urged Government to join with them in condemning the decision of the Cabinet on Kenya. He suggested the withdrawal from the British Empire Exhibition of all the money Bombay had sanctioned for that

purpose. The motion was decided to be taken up next day. The Council then proceeded with the discussion of an important social legislation in the form of a bill to consolidate and amend a law relating to prostitution in the City of Bombay. After discussion the first reading of the Bill was passed and it was referred to a Select Committee.

Next day attention was drawn to the resolution of the Council passed in the earlier session regarding the Khapadia-Carter case and the Govt. refused to give effect to it. Mr. Narainji's motion on Kenya was ruled out of order. The President stated he had an interview with His Excellency the Governor who had pointed out that however much he might sympathise with the situation arising from the affairs in Kenya, he could not allow a discussion on the subject on the plea that it was not a matter concerning the province. Non-official members felt keenly disappointed at this ruling.

The Council adopted after the third reading a private bill to amend the Bombay Hereditary Offices Amendment Act of 1866. The Bombay Civil Jurisdiction Bill was rejected and the House in the midst of strenuous official opposition adopted a resolution to the effect "that the procedure followed by the Governor in Council in regard to special additional pension is prejudicial and unfair to Indians and that being dissatisfied with the reasons given by Government for refusing such pensions to Mr. J. K. N. Kabraji, the late Collector of Surat, recommends to Government that their decision in regard thereto be revised in view of the opinion of this Council that Mr. Kabraji as Collector for nearly 24 years has shown no less special efficiency and energy than European officers who have been given such special additional pensions."

On Aug. 1st much racial feeling was shown, especially by the members of Govt. benches and their supporters, when Dr. Battliwalla moved his resolution regarding the letters written by Dr. Nunan and Superintendent Carter to Mr. Petit. Mr. Fahalajani's resolution for a Sub-Judge at Shikarpur was soon disposed of. Mr. Bhate's resolution demanding a programme for supplying drinking water in suburban areas was well supported and in spite of the Minister's promise to appoint an officer to solve the question to some extent at least, the matter was pressed to a division and was defeated by a narrow majority. Mr. Vichare's resolution asking Government to give up their right of ownership of reserved trees like Teak, Sandal and others in private lands was discussed for good many hours and hard words were used about confiscation under legal guise. The resolution was ultimately thrown out.

On Aug. 3rd Mr. Trivedi moved a resolution recommending the abolition of the practice of flogging of prisoners for indiscipline in jail. Mr. Trivedi said flogging was an ancient and barbarous practice. Referring to the treatment of political prisoners, Mr. Trivedi declared young and educated men went to jail in pursuance of their political faith. Flogging was only resorted to break the spirit of those men by violence in a vindictive way. He asked was it possible in any country to break the spirit of political prisoners by violence? The speaker instanced the example of Mr. Deo, a graduate of the Bombay University and the Secretary of the Maharashtra Provincial Congress Committee, who was flogged in Yerwada Jail which in his opinion was reprehensible. Sir M. Hayward said that the Mulshi Petha prisoners had been punished under the jail regulations. They not only refused to perform the tasks imposed on them but also incited others to follow their example. The resolution was finally rejected by 46 votes to 23, the Non-Brahmin and the Moderate members supporting Government.

On Aug. 6th the Council was formally prorogued by the Governor pending final dissolution. The Prostitution Bill was passed into law.

**INDIA ABROAD**  
**1923**



# In the Dominions & Colonies

The history of the position of Indians in the Dominions and Colonies of the British Empire has been detailed in the previous issues of the REGISTER. Indians have ever been regarded as the helots of the Empire, the 'drawers of water and the hewers of wood,' as Lord Sinha put it at the Imperial Conference of 1918, for their White masters. To serve imperial interests India was made, after the great war, an original member of the League of Nations. She is made to contribute a large share of the cost of the League and her membership gives Britain the advantage of an additional vote. Thus pitchforked, she had also to be given a seat in the Imperial Conference of the British Commonwealth of Nations, and her helotry was sought to be removed by resolutions.

## Admission of Indians to Other Parts of the Empire.

On the motion of the Government of India this question was discussed at the Imperial War Conferences, 1917 and 1918, and the policy accepted by the Self-governing Dominions and the British Government was embodied in the following resolutions:—

- “(1) It is an inherent function of the Governments of the several communities of the British Commonwealth including India, that each should enjoy complete control of the composition of its own population by means of restriction on immigration from any of the other communities.
- “(2) British citizens domiciled in any British country, including India, should be admitted into any other British country for visits, for the purpose of pleasure or commerce, including temporary residence for the purpose of education; such right shall not extend to a visit or temporary residence for labour purposes or to permanent settlement.
- “(3) Indians already permanently domiciled in the other British countries should be allowed to bring in their wives and minor children on condition: (a) That not more than one wife and her children shall be admitted for each such Indian; and (b) that each individual so admitted shall be certified by the Government of India as being the lawful wife or child of such Indian.”

In virtue of the first paragraph of this resolution the self-governing Dominions have adopted various restrictions on immigration, which are in practice used to check Indian immigration. Australia prohibits the entry of any person who fails to pass a dictation test of not less than 50 words in any prescribed language. New Zealand prohibits the entry of any person who has not received in advance a

permit from the Dominion Government which is refused to any person regarded as unsuitable to settle in the country. South Africa prohibits the entry of any person deemed by the Minister of the Interior on economic grounds or on account of his standard or habits of life to be unsuited to the requirements of the Union. Canada prohibits the landing of any person who has come to the Dominion otherwise than by continuous journey from the country of which he is a native and unless he possesses in his own right 200 dollars. Newfoundland imposes no restrictions. All the self-governing Dominions have adopted special exemptions in favour of students, tourists and merchants visiting the countries for the temporary purposes of commerce, pleasure, or education. India on its side has assumed power to regulate the admission of immigrants from any other part of the Empire or foreign countries by means of passports, but has not adopted a policy of retaliation on the ground that any such action would be ineffective in practice and would provoke resentment in the Dominions which might ultimately recoil on the heads of the Indian communities domiciled there. With regard to the Crown Colonies and Protectorates, the attitude of the Indian Government is that there is no justification for placing any restrictions on the immigration of British Indians, which are not placed on other classes of British subjects, and it is on that the fight is now going on.

#### Rights and Disabilities of Domiciled Indians

The policy of the Empire is summed up in the resolution of the Imperial Conference, 1921, which was recorded in the following terms :—

"This Conference reaffirms that each Community of the British Commonwealth should enjoy complete control over the composition of its own population by restricting immigration from any of the other communities, but recognises that there is incongruity between the position of India, as an equal member of the Empire, and the existence of disabilities upon British Indians lawfully domiciled in some parts of the Empire, and this Conference, therefore, is of opinion that in the interests of the solidarity of the Commonwealth it is desirable that the rights of such Indians to citizenship should be recognised."

"The representatives of South Africa regret their inability to accept this resolution in view of the exceptional circumstances of the greater part of the Union. The representatives of India while appreciating the acceptance of this resolution, nevertheless feel bound to record their profound concern at the position of Indians in South Africa and hope that by negotiations between India and South Africa a way can be found as soon as may be to reach a more satisfactory position."

"The problem" of India's status in the British Commonwealth" writes Professor Rushbrook Williams, the Govt. of India publicity officer in his *India in 1922-23*, "is perhaps among the most formidable which has ever confronted the British commonwealth as a whole; for upon its solution may well depend not merely the permanence of the connection between the Indian and the British peoples, but also in no small measure the future peace of the world. The impending struggle between East and West, fore-told by many persons who cannot be classified either as visionaries or as fanatics, may easily be mitigated or even entirely averted, if the British Commonwealth of Nations can find a place within its wide compass for 320 millions of Asiatics fully enjoying the privileges, and adequately discharging the responsibilities, which at present characterise the inhabitants of Great Britain and the self-governing Dominions." Far from having found such a place for Indians, the latter are at every turn treated as worse than helots of the Empire. The practical significance of the problem may be gauged from the fact that about 2,000,000 Indians reside in some 33 or 34 various countries of the Empire and that there is not a single man among these 2,000,000 souls who has not his own tale to relate of racial discrimination and oppression at the hands of his white fellow citizens. By far the major portion of these, amounting approximately—the exact figures are not available—to 1,710,100, live in Crown Colonies and the rest in the self-governing Dominions. The sub-joined table will give an idea of the extent and distribution of the Indian population in the British Commonwealth outside India:

## THE SELF-GOVERNING DOMINIONS.

Australia	...	...	...	7,000
Canada	...	...	...	5,000
New Zealand	...	...	...	Figures not available
South Africa				
Cape Colony	...	...	...	6,606
Natal	...	...	...	133,031
Transvaal	...	...	...	10,048
Orange Free State	...	...	...	106
TOTAL				161,791

# INDIANS IN THE THE CROWN COLONIES.

Ceylon	...	...	900,000
Straits Settlements and Malay States	...	...	210,000
Mauritius	...	...	257,000
British Guiana	...	...	129,380
Trinidad	...	...	117,000
Jamaica	...	...	20,000
Windward Isles	...	...	5,000
Fiji	...	...	44,220
Seychelles	...	...	500
British East Africa (Kenya)	...	...	25,000
Uganda	...	...	2,000
Rhodesia	...	...	Figures not available
TOTAL			1,710,100

## MANDATED TERRITORIES.

Tanganyika	...	...	11,000
New Guinen, Samoa, etc.	...	...	Figures not available
GRAND TOTAL			1,882,891

The disabilities that Indians labour under in the Dominions are numerous, humiliating and serious. With the exception of New Zealand and Newfoundland Indian residents in other parts of the Empire have for long been subject to certain humiliating disabilities. The disabilities everywhere are social, economic and political. Thus, in Australia, "in regard to political status, an Indian cannot be an elector for the Senate or the House of Representatives unless he is entitled under the law of his state to vote in elections for the more numerous House of Parliament of that state. In Queensland, Indians are disqualified from membership of the Legislative Assembly and from voting at Assembly elections, while in Western Australia, Indians may not be registered as electors for the Assembly in respect of a free-hold qualification. In regard to property there are certain other disabilities. All Indians, like other Asiatics, are disqualified from obtaining leases of land in certain irrigated and reclaimed areas. In regard to employment and occupation, they labour under some disadvantages. Bounties paid under the various Bounties Acts can be enjoyed only by goods grown or produced by white labour, while in Queensland certain Acts dealing with the dairy produce, with sugar refinement and cultivation, and with banana industries, prohibit

the employment of persons who have not passed an educational test which in practice excludes Asiatics. In Western Australia, moreover, mining rights may not be issued to Asiatics or Africans, though British subjects, without the Ministers' approval. Indians are further disqualified throughout the Commonwealth for receiving invalid and old age pensions, while they also encounter some difficulties in the administration of passport regulations, especially in regard to the admission of substitutes for resident Indians wishing to return temporarily to India. In Canada too most Indians do not enjoy the federal franchise, while in British Columbia even the municipal and the provincial franchise are denied to them.

In S. Africa the Indian position is most serious because the Indian population there is more numerous, amounting as it does to nearly 160,000 souls. The trouble occurs principally in Transvaal, where Indians are politically helpless; and in Natal, where, although they possess the Municipal franchise, their position has lately been the object of serious attack. No difficulties arise in the Orange River Province, where Asiatic immigration is not allowed, or in the Cape Province where Cecil Rhodes' policy of 'equal rights for every civilised man' prevails.

The present position in South Africa may be understood from the following question put and answered in the Indian Assembly: "(1) Is it a fact that throughout a large part of South Africa under the Union, Indians are not permitted to exercise the political or municipal vote or to sit as members of the Legislature or municipalities? If the answer is in the negative, are there any existing Indian members of the Legislatures or municipalities outside Cape Colony?"

(2) Is it a fact that throughout a large part of the Union, Indians are (i) socially ostracised and subjected to personal indignities, and (ii) prohibited from (a) entering public or semi-public places, such as hotels, refreshment rooms, places of amusements, etc.? (b) buying property or trading in the same way and to the same extent as Europeans? (c) moving freely between different provinces, and (d) travelling in the same Railway compartment as Europeans or occupying the same seats in public conveyances?

Mr. J. Hullah replied: "(1) Yes. Indians possess both the parliamentary and municipal franchise in the Cape Colony, and in Natal, only the latter. In the Transvaal and Orange Free State, they possess neither. The Government of India have no information regarding the number of Indian members, if any, of municipalities in Natal. In one case, where the Asiatics were in a majority and could have elected an Indian to the Board, they refrained from doing so and no Indian was elected to the Board. (2) The facts are generally as stated by the Honourable Member."

The fact is there is not a single Dominion which does not cherish racial prejudice of the most blatant fashion, yet high statesmen, both here in India and England, take the greatest care to hide this naked truth and make use of platitudinous language about Imperial solidarity and the common interests of the empire and so on.

### British East Africa.

In regard to East Africa, it is demonstrable that from before the beginning of the Christian era, both India and Arabia had trade connections with that region. Even Mr. Churchill who has now turned a red hot Imperialist had the manliness to avow that : " it was the Sikh soldier who bore an honourable part in the conquest and pacification of these East African countries. It is the Indian trader, who, penetrating and maintaining himself in all sorts of places to which no White man would go or in which no White man could earn a living has more than any one else developed the early beginnings of trade and opened up the first slender means of communication. It was by Indian labour that the one vital railway on which everything else depends was constructed. It is the Indian banker who supplies perhaps the larger part of the capital yet available for business and enterprise and to whom the white settlers have not hesitated to repair for financial aid. The Indian was here long before the first British official. He may point to as many generations of useful industry on the coast and inland as the White settlers—especially the most recently arrived contingents from South Africa—can count years of residence. Is it possible for any Government with a scrap of respect for honest dealing between man and man to embark upon a policy of deliberately squeezing out the native of India from regions in which he has established himself under every security of public faith ?" Yet Mr. Churchill's impossibility has come to pass : " every security of public faith " has been uprooted for the Indian here also : and the enthronement of the law of might is accomplished.

### Tanganyika and the Mandated Territories.

The draft mandate for Tanganyika Territory was confirmed by the Council of the League of Nations on the 26th July, 1922. Of the many conditions laid down it is only necessary for us to note that one provides that nationals of States which are members of the League of Nations are to have complete commercial equality. Now, according to a census taken in April 1921, the total native populations in Tanganyika is 4,107,000. The European population numbers 2447, of whom only 1598 are British subjects. Of the Asiatic population British Indians number nearly 11,000. The former German Colonies of New Guinea, Western Samoa and

South-West Africa are now administered by the Commonwealth of Australia, the Dominion of New Zealand, and the Union of South Africa respectively under mandates which have been conferred upon them by the League of Nations. Article 82 of the Covenant of the League empowers the mandatory to administer these areas as integral portions of its territory under its own laws. These Dominions have extended their emigration laws to each of these territories with the result that Indians can no longer go there for purposes of permanent settlement. In the case of New Guinea and Samoa the position has thus altered for the worse, since the German administration did not discriminate against British Indian subjects. In South West Africa the German administrator had the power to exclude any class of immigrant, but no instance is known of the power having been exercised against an Indian. Along with the other disabilities under which they suffer in common with their fellow-countrymen in all African British colonies, in Tanganyika oppressive trade taxes were also imposed upon them. While the "unspeakable Huns" charged trade licenses only when a new shop was opened, and even then in the case of some specified trades only, "mandatory" Britain has promulgated an ordinance which requires an annual fee of a minimum of £4, with £2 for any breach of some business rules. The Profits Tax and Customs duty are further thrown in addition, which, as one contemporary says: "reminds us of the caustic saying about Frederic the Great, that "he had tortured and beggared all his neighbours: but he bore them no malice for it!" Even the European Chamber of Commerce protested against this iniquity. Still the Colonial Office stood adamant.

### Kenya.

Next we come to Kenya. The population of Kenya now numbers 2½ million natives, 9,651 British settlers and 22,822 Indians. The domiciled Indians bear far too heavy a share of the public burdens. They pay in municipal taxation alone double what the European settlers pay. The White settlers make all convenient arrangement for themselves; thus they turned down a proposal to impose on themselves income tax as low as a shilling in the pound. The iniquity of the taxation in that country is beyond description. The tax on rice, which was already 15 per cent., was raised to 20 per cent.; and the tax on ghee which is consumed by Indians alone, was raised from 30 to 90 per cent. Of the more recent settlement, given in the infamous White paper of 25 August 1923 (p. . . .), it is not possible to speak in terms of moderation. It gives away the whole Indian case in exchange for a few verbal lollipops. In the matter of the Highlands, of segregation,

immigration and the franchise, they have been stamped on the brow as only "children of the Ghetto". Biding an happier opportunity, they are for the moment tolerated in the Colony to whose taxes they contribute so preponderate a share. The White settler will starve them by every means in his power, financially, commercially, politically and socially, and gradually as they consolidate their power, they would treat the Indians as in South Africa.

#### Other Colonies.

The history of Indians in other Crown Colonies is a black record of the callous exploitation of Indian human material. The Crewe enquiry revealed how, while the natives of the Colonies welcomed Indians as "potential citizens," the whites were anxious to have them only as cheap coolies. The competition of the latter on the indenture terms tended to undermine the prosperity of the natives and fattened the whites at the expense of both the African and the Indian coloured labour. The tendency of the Crown Colonies, as discerned by the Government of India long ago—and they referred to it in a despatch of 1908—is for the Whites so to promote the administration of these colonies as to consider them "potential White self-governing Dominions."

The question of the status of Indians in the Empire is fast developing into a world question of the coloured versus the White races of the world. For the white Dominions, the domination by the Whites matters more than the Empire. In South Africa, as a writer in the *Cambridge Modern History* points out, "we see an instinctive aversion from Asiatic immigration over-powering any imperial sympathy of common citizenship. In Australia, 'the White Australia' idea is not a political theory. It is a gospel. It counts more than religion; far more than flag, because the flag waves over all sorts races; for more than empire; for the Empire is mostly black or brown or yellow, is largely heathen, largely polygamous, partly cannibal." In the very heart of the Empire itself, this view finds overwhelming support. The *Times* wrote some time back: "To some people, in this country, the race question,—as between White and non-White,—is either a joke, or a symbol of crude lack of culture. They refuse to take it seriously, or they grow hot with indignation at the exclusion of non-White peoples from British countries. This way leads to worse friction with the Dominions than has occurred for half a century. Fortunately British statesmen know better than to treat such questions with levity or arrogance, and so long as Lord Milner was at the Colonial Office the Dominions knew that they had to deal with one who thoroughly understood and was in sympathy with their faiths." And the British Cabinet, in its decision on Kenya, has shown by action that what the *Times* wrote is the feeling in England.



### Mr. Sastri's Dominions Tour.

On February 23rd 1923 the Right Hon'ble V. S. Srinivasa Sastri's report of his deputation to the Dominions of Australia, New Zealand and Canada was published. The primary object of his mission was to induce Dominion Governments to give practical effect to the Imperial Conference resolutions which recognised that "there is an incongruity between the position of India as an equal member of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some parts of the Empire" and recommended "that in the interests of solidarity of the British Commonwealth, it was desirable that the rights of such Indians to citizenship should be recognised." Mr. Sastri was also generally instructed to look into any other disabilities of Indians and to request their removal. In his report he gave a detailed account of the number of Indians resident in the different Dominions, their economic position, the disabilities under which they suffered and the prospect of their removal.

"Reviewing in the light of actual achievement and of prospective reforms," observes Mr. Sastri, "I am glad that the deputation was sent to the Dominions. The constitutional importance to India of negotiating directly with the Dominions of matters of mutual interest through an accredited representative is too evident to need elaboration. What is less obvious is the educative value of such visits both for facilitating the realisation of the immediate objects in view and the promotion of a spirit of imperial solidarity. India has suffered in the past from lack of knowledge and of understanding. The progress made by her during the last 60 years is hardly known outside this country. The average citizen of a Dominion still regards India as a land of mixed poverty and splendour, barbaric in outlook and aspiration as well as in magnificence. He has had no opportunity of meeting Indians of refinement and culture, without which it is impossible to dissipate the phantom of superiority born of an imperfect appreciation of Indian capacity. The incentive to active trade relations between India and the Dominions has also been lacking. To promote the personal intercourse is the best solvent of prejudice and the only means of securing better relations in the future is the promotion of such intercourse. Of the desire of the Dominions to understand India there can be no doubt. In the task of stimulating and satisfying this desire the educated people of India no less than the Government must do their full share."

The report is divided into three parts, one relating to Australia, the other to New Zealand and the third to Canada. His method of

enquiry in regard to the disabilities of domiciled Indians in all these countries was to collect the fullest information from official and non-official sources.

#### Australia.

The total Indian population in the Commonwealth of Australia, he says, was approximately 2000 of whom 700 were in New South Wales and 400 in Victoria. Mahomedans predominate in all these states. The majority are engaged in retail trade or in agricultural operations. Instances of success in that occupation are numerous, the most notable being those of one Mr. Badullah from Sind who settled in Western Australia and owns 25000 acres of land and 25000 heads of sheep. Nearly all look prosperous and even where economic prejudice operates to detriment, the remuneration for manual labour for each man is seldom less than 12 shillings a day. Of social prejudice Mr. Sastri saw little trace. So far as the restrictive side of policy in regard to emigration from abroad was concerned, it commanded the support of an overwhelming majority who looked upon it as sacrosanct. The sensitiveness and vigilance of both the Australian Press and the public in this matter might be gathered from the fact that, in spite of repeated declarations that the Government of India stood by the reciprocity resolution of 1918 his mission was in the end criticised as an insidious attempt to seek a revision of policy by securing concessions which would make immigration to Australia attractive to Indians. This necessitated from Mr. Sastri an emphatic assurance to abide by the reciprocity resolution.

Regarding the commonwealth franchise, Mr. Sastri states that he was informed that the Commonwealth Election Act of 1902 created a separate commonwealth franchise which could not automatically follow from the conferring of provincial franchise on any class of citizens on date subsequent to the passing of the Act. This was not supported by judicial authority, but it might be taken for all practical purposes as necessitating a special Act of the Federal Parliament to enfranchise those Indians who were not in enjoyment of State franchise before the Act of 1902 became law. This was the view which Mr. Sastri urged on the commonwealth Government and Mr. Hughes, the Prime Minister, stated that he (Mr. Sastri) had brought within the range of practical politics a reform which, but for his visit, would have been improbable of achievement. The desire to satisfy Indian aspirations for Dominion franchise was widespread and genuine, and Mr. Sastri hopes that this fundamental reform would be effected at no distant date although temporarily its fruition might be retarded by political exigencies in Western Australia and Queensland. There was every hope that Indians would enjoy political suffrage in respect

of elections to the lower House and that the lead of the Dominion Cabinet would be followed in the matter. The Government of South Australia had promised to amend the Irrigation Act so as to render Indians eligible for the lease of land, while the Government of Queensland had removed restrictions to which Indians engaged in the banana industry were subjected under the 1921 Act. The only other laws which affected the Indians were the Sugar Cultivation Act and Dairy Produce Act. Amendment of irrelevant acts might be expected to follow the passing of legislation rendering Indians eligible for invalid and old age pensions.

Mr. Sastri then details the difficulties of Indians desirous of entering into Australia, difficulties arising out of incomplete passports and admission of substitutes, and says that in regard to this matter, the Minister of Interior who administers the emigration rules had stated that although the general practice about admitting substitutes was to confine the privilege to persons who came out to act for men engaged in promoting overseas wholesale trade between Australia and Eastern countries, Indian substitutes were allowed to land if they came as substitutes for farmers, retail store-keepers etc., on condition that they would leave Australia within three months of the return of the permanent residents to the Commonwealth. The attitude of the authorities seemed to Mr. Sastri to be reasonable and the only action necessary appeared to be closer scrutiny of the passports issued by local Governments in India to persons proceeding to Australia to make sure that only bona-fide substitutes got permits. All this, says Mr. Sastri, showed that the principle of equality of citizenship was now recognised in Australia as vital to the continuance of friendly relations between various parts of the Empire. It was easy to under-rate the effect of popular sympathy, but in democratic countries it was the only foundation on which a reform which had long been hindered by ignorance and prejudice could be based.

#### New Zealand.

Coming to New Zealand, Mr. Sastri says that the resident Indians there number about six hundred. There the main difficulties are exclusions from the benefits of the Old Age Pensions Act and difficulty of securing employment. As regards the former, Mr. Massey's Cabinet had promised to revise the Act when the time came to do so. As regards the latter difficulty (unemployment) it would be idle to deny, says Mr. Sastri, that colour prejudice was responsible for it, but the prejudice was confined to a few Indians who did not enjoy the same degree of prosperity as their compatriots in Australia. But the explanation lay in the aggravated manifestation of prejudice as in a variety of cases wholly unconnected with racial

animosity. Casual labour at a time when there was a general economic depression was a precarious source of livelihood, but with the revival of prosperity the prospects of Indians should improve.

In regard to New Zealand also, Mr. Sastri refers to the difficulties of getting passports and says : " Neither in Australia nor in New Zealand do Indians possess sufficient education to take care of themselves. The Dominion authorities with the best will in the world cannot help them to overcome the shortcomings of defective education. Nothing could be of more effectual help to the Indian community in these distant lands than the presence of a sympathetic and duly accredited representative of their country charged primarily with the duty of protecting their interests. If a protector of Indians is appointed in Fiji, it might be possible to include the protection of Indian interests in New Zealand and Australia in his jurisdiction. An alternative arrangement would be to appoint an Agent for the two Dominions."

#### Canada.

Speaking lastly about Canada, where there are about one thousand two hundred Indians, half of whom are Sikhs, Mr. Sastri points out that he applied himself there to the task of securing federal franchise for such Indians who do not already enjoy it and obtain provincial and municipal franchise for Indians in British Columbia. The Prime Minister had promised that at the earliest favourable moment Parliament would be approached for grant of franchise on terms and conditions identical with those which governed the exercise of that right by the Canadian citizens generally. The economic rivalry between the white and the non-white races in British Columbia was more acute than in any other part of the Dominions. In such an atmosphere it was difficult to expect immediate initiative on the part of Provincial authorities, but all the signs pointed to the softening of prejudice and broadening of vision. Persistent efforts would appear to be necessary for some time yet in order to complete the task of political education without which no change could be effected in a democratic country. In British Columbia Mr. Sastri was not hopeful of immediate results, but of the ultimate success of continued endeavours he had little doubt.

#### Effect of his Tour.

It is not clear what good actually accrued out of Mr. Sastri's Dominion tour, but the fact remains that the great imperial statesman who had drawn the attention of the world to his diplomatic speeches in the Dominions soon became the most violent champion of the Kenya Indians in 1923 and delivered the most extreme speeches against British imperial interests. The agitation that he started and

his strong speeches on the subject soon cost him the favour and influence that he possessed with the Government here and in imperial circles abroad. Mr. Sastri's mission was hailed as a great success by the Moderate party in India, but notwithstanding his immense contribution and efforts on this cause the course of events of 1923 showed how utterly futile are all such attempts to obtain justice for the Indian settlers abroad. As the *Montreal Star* observed at the time :—

"It is one thing to receive Indians as honoured guests: it is another to throw open the doors to them as permanent citizens. Mr. Sastri cannot hope by a few words to solve this momentous problem. One cannot but be sceptical regarding his success." "The Indian problem is a delicate one", said the *Free Press*: "the Indian Government ought to be willing and ready to give some assurance that there will be no immigration on a large scale. Of the reciprocal disabilities that India might impose on colonials, the Dominions know where to pull the strings and what a farce this "reciprocity" can in effect be reduced to". The *Citizen* says: Almost every "white" nation has its colour problem, and few world questions press so urgently for solution. And it points out how other British dominions have dealt with a problem "that is Empire-wide in its manifestation," by proclaiming "an uncompromising 'white' policy."

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# The Tanganyika Indians

Tanganyika like Kenya is a territory which owes its development mainly to Indian enterprise. In the time of the German administration, before the last world war, agriculture was encouraged by all possible ways and the Germans realized that Indians are the useful factor in the trade development of that territory. After the war, when question arose in the League of Nations as to whom this territory should be allowed to be administered, India as an original member of the League proposed that mandate should be given to England. And then came the British administration which is controlled by the Colonial Office. In spite of the fact that Indians in this territory should receive equal treatment with the Europeans, both of whom are members of the League under whose mandate the British are administering the territory, the Government have shown themselves discouraging the Indian trade and to follow the lead of their sister Government of Kenya. A steady attempt is being made to pile disabilities upon the Indian settlers and even to restrict immigration.

In April 1923 a very serious situation arose in Tanganyika territory. The local administration published three ordinances, the first being a profits tax ordinance, the second a pedlars' and live-stock dealers' ordinance, and the third a trades licensing ordinance. They were all directed against the Indians. Ostensibly these measures were of general application. They were first submitted confidentially in draft to the Dar-es-salaam Chamber of Commerce, and were approved at a Committee meeting attended by only three members of that body. When the facts came to be known, a full meeting of the Chamber was held which strongly disapproved of them, on the ground that they were premature in an undeveloped territory like Tanganyika. This Chamber was composed mostly of Europeans, so that even non-official European view was against the ordinances. The Indian community was never consulted in the matter though it represented 95 per cent. of the mercantile population. In effect, therefore, the new legislation was directed against Indians and imposed new obligations and fresh taxation upon them. It is satisfactory to note that traders of all other nationalities associated themselves with the Indian protest.

In view of the universal protests against the ordinances, it may be useful to note some of the provisions against which protest has been mainly levelled.

## The First Ordinance

The first Ordinance imposes a tax of four per cent. on the profits of business, trades, industries and professions in the territory, provided that profits for any year not exceeding two thousand shillings shall be exempt from the profits tax for that year. Profits on transactions carried outside the territory when either controlled from the territory or when profits from such business were received in the territory are to be taxed. The exemptions include the sale or export by any person of stock bred by himself, or produce, including dairy produce of his own plantation or farm, medical practitioners and dentists, and the salary or wages of persons employed in a business.

Assessors are given wide powers, subject to appeals to the High Court, only after objections to assessment have been beforehand given in writing to the Assessor and orders of the Assessor have been carried out. It is made obligatory on the manager of a business to deliver every year a statement of profits to the Assessor, whether the sums of profits were liable to tax or not. In case a business is controlled outside territory, the Assessor is empowered to fix a reasonable assessment having regard to the rate of profit usually earned by a business of a similar nature in similar circumstances.

## Accounts in English

The provision regarding the keeping of accounts in English runs :

"If any accounts kept by a person liable to deliver a statement or profits and necessary for the purpose of ascertaining the liability or the extent of liability of the profits of a business to the profits tax are not in the English language or in Swahili written in English character, the Assessor may cause accounts to be translated into English and the expense of so doing shall be borne by the owner of the business and be recoverable as profits tax in arrears".

Before assessment of tax, deductions for wear and tear and replacement of machinery will be allowed. The general penalty for an offence against this ordinance is a maximum of two thousand shillings fine, or one year's imprisonment, or both. The ordinance also abolishes the German Industries Tax.

## Second Ordinance.

The second Ordinance provides for the licensing of pedlars and live-stock dealers who buy live-stock with a view to their re-sale at profit. Every pedlar and live-stock dealer must hereafter hold a license, the fee for this being 20 shillings for a year and 10 for a

half-year. The license shall be operative only in the district or sub-district for which it is granted, but can without any additional fee be extended to other areas by the endorsement of the administrative officer. If the licensing officer believes that the licensee will fail to keep a sufficiently intelligent account to enable an accurate assessment of his profits under the first ordinance, or is likely to evade the profits tax, he may enhance his licensing fee up to the maximum of 400 shillings, thus covering the profits tax.

An administrative officer may, without assigning reason, refuse, subject to appeal to the Governor, the grant of license or revoke a license at any time. A license is not to be assigned or borrowed, and convictions of any licensee are to be endorsed by the court on the license. The licensee must show this on demand to any administrative officer, any member of the police force, any person with whom the licensee negotiates, or offers to do or does any business, or any person on whose private land or premises a pedler or a live-stock dealer is found. Refusal to show the license will make him liable to a fine not exceeding 10 shillings. A Police Sub-Inspector or any policeman authorised by this officer can inspect the pedlar's pack if the pedlar contravenes the Ordinance. It shall be open to any of the persons authorised to demand the production of the license or any one authorised by them to apprehend such offender and convey or cause him to be conveyed before a Magistrate.

### Third Ordinance.

The third Ordinance requires persons carrying bad trade, business, industries and professions to take a license every year after payment of a fee varying from 10 to 4 hundred shillings according to the nature of the trade. Failure to take out a license will result in a fine up to two hundred shillings and further 20 shillings for each day during which the contravention continues. Under this Ordinance as well, if a licensing officer apprehends that the license would fail to keep an intelligible account for accurate assessment or was likely to evade the profits tax, he may extend the fee to 400 shillings. Every trading license shall be kept on the premises to which it relates and shall, at the request of any administrative officer or any member of the police force, be produced for his inspection at all reasonable hour. The ordinance gives power to the Governor to prohibit trading in specified areas. The ordinance makes it obligatory to keep accounts in English or Swahili in English characters. This provision shall come into operation after the expiry of 1 year. Any person not keeping accounts in the said manner shall be liable to a fine not exceeding 2,000 shillings.



These ordinances came into force from 1st April and on 31st March the Dar-es-Salaam Indian Association, which is the main association in Tanganyika, wired to all branch associations not to pay Trade Licenses and in protest to close shops from the 1st of April. This was followed and the Indian settlers then passed through a stage of intense persecution.

Under the Germans in pre-war times once a trading license was issued it was permanent and transferrable. The new legislation required a fresh license to be taken out each year, under heavy penalties, and the trading community was thus placed at the mercy of the authorities from year to year. It was alleged that the new legislation was substantially a re-enactment of existing German laws. This is quite incorrect, since only one of the ordinances colourably resembled one of the old German laws, and that in only a minor degree. The other two ordinances were quite new.

The traders, the great majority of whom were Indians, but others were foreigners, were required to keep their books in English, though the English language had no special privilege in this mandated territory, and though trade books had hitherto been kept in the language of the trader.

The local officials were informed that the trading community intended to protest against the new legislation to the British Government, but they nevertheless insisted upon enforcing the laws. In order that they might not bind themselves to apparent acceptance, the traders in several places decided that as they had been warned that they would be prosecuted if they did not take out fresh licenses, they would not open their shops. At a place called Lindi several traders were sentenced to fine and imprisonment (though this was held to be *ultra vires*) for trading without the necessary licenses. They were held for twenty hours at the police station without food or water. At one place even the natives received an official warning against supplying the Indians with their food produce. At another 14 Indian merchants were sentenced to a fine of 500 shillings or three months' rigorous imprisonment for not having made the required profits tax returns. Other prosecutions were threatened. Some of the traders paid the fine whilst others went to prison, though it was urged that the sentences and the very prosecutions were illegal—in any case they were monstrously disproportionate,—since the returns need not be made before May 1. The Indian population in Tanganyika was seething with indignation at this exercise of official pressure, which would never have been dreamt of or permitted had the traders been white Britishers.

The "Dar-es-salaam Times," which is the only newspaper in the territory, European-owned and edited, and not always friendly to

## INDIANS IN TANGANYIKA

the Indians, corroborated the Indian objections to the offending laws and strongly urged the Governor to pocket his pride and yield to the unanimous opposition. The British Government was appealed to, so that the ordinances may be suspended pending the receipt of full despatches from the Governor and the arrival in England of two distinguished Indian leaders authorised to place all the facts before the authorities in England. The Colonial Office however turned a deaf ear to all representations. Major Ormsby Gore, the Colonial Under Secretary, said in reply to interpellations in the H. of Commons that the Ordinances are settled facts and cannot be revoked.

In June 1923 a communique announced that "the Government of India have been in correspondence with the India office regarding the objectionable provisions of the profits tax ordinance, pedlars' and live-stock dealers' ordinance, and trades licensing ordinance, which were recently enacted by the Tanganyika Government. The Secretary of State for the Colonies has decided neither to repeal nor suspend the ordinances. The question, however, of introducing certain amendments into them will be considered by the Secretary of State in consultation with the Governor."

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# The Kenya Affair

By far the most formidable of Indian problems of 1923 was the situation in Kenya. It came to be raised into an Imperial problem. That Colony had been built up by Indian labour and Indian capital; Indian settlers were there long before the British; they largely out-number the European population. Nevertheless for some time they have been labouring under the most shameful disabilities imposed more and more by the white settlers who are now trying to oust the Indian from the country. Of the disabilities, the most unjust is a prohibition against the transfer to Indians of agricultural lands in the highlands of the Colony which constitute the best lands, on the plea of racial segregation, branding the Indian as an inferior, unclean race, and these lands are now entirely held by Europeans. The inadequate representation of the Indian population upon the Legislative Council; their political helplessness despite their large stake in the economic life of the Colony, and the difficulty which has recently been threatened in the way of free immigration, have long been matters of the very gravest concern. During the years 1921 and 1922, race feeling between the Indian and the European settlers rose to such a height that the relations between the two communities became extremely strained. (For the affairs of Kenya in these years the reader is referred to previous issues of this REGISTER.)

In September 1922 a Colonial Office despatch was sent to Kenya containing joint proposals for a settlement of the trouble there. These terms were the result of joint deliberations between the Colonial and India Offices in consultation with the Government of India, and were designed to carry into effect the resolution of the 1921 Imperial Conference acknowledging the doctrine of equal citizenship. The terms put forward as a basis of settlement provided for a common electoral franchise, property and educational qualifications so as to permit of the enfranchisement of a minimum of 10 per cent. of the adult Indian population. There was to be no segregation in commercial or residential areas, residents to comply with the sanitation and building bye-laws of the Colony. No restriction on immigration was proposed but the Colonial Office retained the right of restriction, should Kenya be threatened by an undue influx of Asiatics. It also desired to reserve the highlands for Europeans. These proposals resulted from conferences between Mr. Edward Wood, M. P., on behalf of the Colonial Office, and Lord Winterton of the India Office. They were subsequently confirmed, on Mr. Ormsby-Gore's recommenda-

tion, by the Duke of Devonshire. On receipt of this despatch which was brought to the Colony by the Governor, Sir Robert Coryndon, the European settlers at once rose in revolt. They started military preparations to oppose the terms and in a number of meetings threatened to murder the Indians. A peremptory demand was made by the White settlers for Mr. Ormsby-Gore's retirement from the Colonial Office. So great had the white menace assumed proportions in December—January that the Indian settlers had to cable to the Home and Indian Government for protection. At last on representations sent from India the Governor tried to pacify the Whites. Week-end conferences were held at Nairobi between Sir R. Coryndon and the representatives of the two contending communities separately. The Europeans objected to the principle of a common franchise, also to non-segregation in residential areas, and the absence of restrictions upon immigration. They considered that 'restricted immigration is the only means of safeguarding the country from Indian domination and the native workers from Asiatic competition.' Indians, on the other hand, recognised in the proposals of the Wood-Winterton agreement a genuine attempt to solve the problem in terms of the Imperial Conference resolution, and in spite of the fact that they did not meet entirely the Indian claims, were inclined to favour acceptance of the terms if they were not changed. They refused to accept any modification of the proposals already made as these constituted the irreducible minimum of their claims. An agitation was raised for non-payment of taxes if the white threats were carried out. In the end the conferences resulted in the Kenya Legislative Council elections being postponed for twelve months, or for such short time as the Governor may determine, with a view to work out the conditions of the new constitution.

In January 1923 Sir Robert Coryndon in opening the European Convention—known as the 'White Settlers' Parliament—disclosed confidentially the true import of the new proposals which eased the situation to some extent from the European point of view. The Governor was asked to go to London, and the Convention gave an assurance that its members would do all in their power to discourage and prevent direct action locally during the negotiations in London, 'provided that no step be taken by the Imperial Government during that time to force an issue.' The Convention, however, reserved its freedom should the London Conference break down, to resort to direct action, to take the law into their own hands. It passed a resolution: 'But if through the ill-considered advice of his Majesty's Ministers his loyal subjects be forced into action prejudicial to peace and abhorrent and ruinous to themselves, then full responsibility for such a calamity must

rest on those advisers who in ignorance of or indifferent to the true issues involved, shall have advised his Majesty to sanction a policy disastrous to the future White colonisation of Africa and the welfare of millions of his Majesty's African subjects, and, the Convention believes, calculated to endanger the integrity of the Empire.' When this piece of news was cabled to England Sir Robert Hamilton M. P., ex-Chief Justice of East Africa, asked Mr. Ormsby-Gore in Parliament for confirmation of the information conveyed in the above telegram and, if it were true, whether, in view of the fact that the convention had reserved to itself the right to take direct action should the proposed Conference break down, the Secretary of State for the Colonies approved of the Governor's leaving the Colony. To this Mr. Ormsby-Gore made no adequate reply.

Here in India public meetings were held all over the country ; the Indian press, both vernacular and English, expressed itself in the most vehement language ; addresses were presented to the Viceroy by public bodies of all shades of opinion, as well as by the Indian Legislature. The Council of State at Delhi passed Mr. Sastri's resolution on Kenya (see pp. 273,276). Early in 1923 the Colonial Office invited the Governor of Kenya, accompanied by delegations representing both the European and Indian communities, to proceed to London for the purpose of discussing the terms of a final settlement. On March 18th the chambers of the Indian Legislature elected their own deputation, consisting of two members of the Assembly and one of the Council of State, Messrs Sastri, J. Dwarkadas and Kamat, to co-operate with the Kenya Indians, and to exercise all possible influence in their support. All the deputations reached England in April and negotiations were carried on in the next two months between the India office, the Colonial office, the Indian and the European deputations. The Government of India, too, did not fail to fight for the Indians, warning the Secretary of State that if the decision went against the Indians in Kenya, there would probably arise a strong agitation for the severance of India's connection with the British Commonwealth, and for the adoption of retaliatory measures against the Colonies.

In April and May there was a huge propagandist campaign in England carried on by the Indian and European delegations (p. 516). Mr. Sastri raised a great agitation, addressed numberless public meetings, and secured the support of leading Labour and Liberal members of Parliament to the Indian cause. While the case was still under consideration in London, rumours reached India that an adverse decision had been arrived at in the matter of the highlands and the franchise. On July 21st, in consequence of the wide-spread anxiety which was aroused, a resolution was moved and carried

in the Legislative Assembly recommending the Governor General in Council to move His Majesty's Government to concede the claim advanced by the Indian residents in Kenya. Almost simultaneously an influential deputation of the Council of State approached the Viceroy with expressions of alarm as to the consequence which might ensue if Indian claims were not admitted (see pp. 313,316). Within the next week, however, the decisions of His Majesty's Government were announced by Reuter. The main decisions may be summarised as follows :—

It was laid down that the general policy to be observed in Kenya was the protection of the paramount interests of the African population. This was altogether a new move of circumvention. It was considered that the existing system of Government was best calculated to achieve this aim; and the immediate grant of responsible Government which had been urged by the White settlers was considered to be out of the question. But contrary to the opinion expressed by Indian sentiment, a decision was arrived at in favour of communal representation. The common electoral roll was turned down. This system, under which the Indian community was to have five elected representatives in the Legislative Council, was regarded as best in the circumstances, because it was compatible with African representation in due season, and with Arab representation immediately. The policy of segregation as between Europeans and Asiatics in townships was, in deference to Indian opinion, to be abandoned. On the other hand, the reservation of the highlands for Europeans was to be maintained. On the vital question of immigration, it was laid down that legislation discriminating against Indian entry into Kenya could not be countenanced; but this statement of principle was artfully qualified by the suggestion that some further control to protect economic interests of the Africans was required!

#### Resentment at the Decision.

This decision of the Home Government was issued in the form of a lengthy White Paper (see p. 363). The strongest resentment was aroused in India by this announcement. Adjournments, both of the Council of State and of the Legislative Assembly, were proposed to consider the situation. Long strings of questions were put but they elicited only halting replies from the Govt. An adjournment of the Assembly to discuss the Kenya affair was ruled out of order (p. 316). A Bill by Dr. Gour to regulate the entry into residence in British India of persons domiciled in other British possessions was introduced, considered and passed by the Legislative Assembly in one day as a protest against the recent decision. In proroguing the Assembly on the following day, Lord Reading defined the attitude

of the Government of India in the clearest terms. He said: "the news of the decision regarding Kenya came to me and to my Government no less than to you as a great and a severe disappointment; for India had made the cause of Indians in Kenya her own. As his Majesty's Government has stated, this decision conflicts on material points with the strongly expressed views of my Government as laid before the Cabinet by the Secretary of State for India. India's representations were fully placed before His Majesty's Government, and received most patient and careful consideration; but we must record our deep regret that His Majesty's Government could not feel justified in giving greater effect to them. We are conscious that there were important aspects, perhaps not sufficiently understood by us, which His Majesty's Government were called upon to weigh and to determine, and we fully appreciate and acknowledge their hearty efforts to arrive at a fair and equitable conclusion. They have announced their decision, and the Government of India must consider it, and arrive at its conclusions; if submission must be made, then with all due respect to His Majesty's Government, it can only be under protest." In August the views of the Government of India were again set forth at length. (p. 377). While acknowledging the difficulty of the issues, and the care and attention that His Majesty's Government had devoted to India's claims, they did not conceal their feeling of disappointment at the result; and they reserved the right to make further representations with a view to reopening these decisions when a legitimate opportunity offered.

#### The Imperial Conference.

Then came the famous Imperial Conference of 1923. Sir Tej Bahadur Sapru and H. H. the Maharaja of Alwar were the Government of India nominees to this Conference. In the first revulsion of feeling against the Kenya decision, influential public feeling both in India and Kenya was against India participating in the Conference. But Sir Tej Bahadur prepared himself for a last strenuous fight on the question of Indians Abroad, and the case that he presented stands as a monument of advocacy on behalf of India. On October 24th the Indian case was formally taken up by the Conference, and Dr. Sapru succeeded in getting two more days for its discussion. It was resumed on the 29th and was not finally concluded until October 31st. On the first day when the Conference came to consider the question of Indians overseas, Lord Peel, as leader of the Delegation, opened the case for India. He dwelt upon the unanimity of Indian opinion, and the justice of the Indian cause. He also cited India's great, actual and potential, importance to the empire as an argument for the expediency of meeting her rightful demand. Lord Peel was followed by Sir Tej

Bahadur Sapru who recounted the depth to which Indian opinion had been stirred, and described the intolerable humiliation under which she laboured through the treatment meted out to her nationals in other parts of the Empire. He put forward an eloquent and reasoned appeal for the execution of the 1921 Resolution adumbrating a machinery for consultation between the Government of India and the Dominion Governments on the question as to how best and how soonest effect might be given to it. He vigorously controverted a memorandum circulated to the Conference by General Smuts, which had attempted to disprove any connection between Imperial citizenship and the exercise of civic rights in the different Dominions and Colonies. According to the General, citizenship of the Empire could not override the *lex loci* of its component parts. This memorandum, which had further proceeded to suggest that the Conference would be well advised to rescind the 1921 Resolution, did not survive Sir Tej Bahadur's spirited attack. Turning to the Kenya question, Sir Tej Bahadur amplified the observations already made by the Secretary of State for India, forcibly drawing the attention of His Majesty's Government to the sinister effects which this decision had already exercised upon the Indian political situation. After briefly referring to the grievances of Indians in other colonies and protectorates, he pleaded powerfully for an examination of the whole question, in consultation with the authorities concerned, by a committee to be appointed by the Government of India. In the case of the Union of South Africa which was not a party to the 1921 Resolution, Sir Tej Bahadur Sapru expressed the hope that the Government of India might be allowed to maintain an agent who would serve as an intermediary between Indian nationals and the Union Government.

#### The Replies of the Dominions.

After the representations of Sir Tej Bahadur Sapru had been eloquently reinforced by the Maharaja of Alwar, the various Dominion delegations made their replies. They did not much favour Dr. Sapru's proposal of a Committee, but neither were they hostile like Genl. Smuts. The Prime Minister of Canada observed that in eight out of the nine Provinces of the Dominion, Indians did not suffer any legal or political disability. In the ninth Province, British Columbia, he stated that the present difficulties in conceding the franchise to Indians were due not to distinction of colour but to complex economic and political considerations. The question whether natives of India resident in Canada should be granted Dominion parliamentary franchise on the same terms as native Canadians was necessarily one for Parliament alone to determine. He promised that the matter would be submitted to



that body for consideration when the Franchise Law came up for revision. He was somewhat doubtful whether the solution of the problem would be facilitated by the visit of a committee appointed to confer with the committee from India, if such a step were desired. The Prime Minister of Australia stated that representatives of every shade of political thought in his country had shown sympathy with the claim that lawfully domiciled Indians should enjoy full citizen rights. He felt that in view of this position there was no necessity for an Indian Committee to visit Australia, but he gave an assurance that on his return to Australia he would consult his colleagues as to the implementing of the 1921 Resolution. The Prime Minister of New Zealand welcomed the visit of a committee from India, stating that his country already practically gave resident natives of India the same privileges as those enjoyed by the Anglo-Saxon race. The Prime Minister of Newfoundland made plain that there was no distinction whatever between Indian British subjects and other citizens, either in the matter of emigration or in the matter of the franchise. Mr. Desmond Fitzgerald, the Minister of External Affairs in the Irish Free State, made the most remarkable statement when he expressed sympathy with the Indian claims. It was from South Africa that the only note of dissent emanated. General Smuts held out no hope of any further extension of the political rights of Indians in the Union, and expressed himself as unable to accept Sir Tej Bahadur Sapru's proposal. So far as the Colonies were concerned, the Secretary of State, on behalf of His Majesty's Government, cordially accepted the scheme of Sir Tej Bahadur Sapru that there should be full consultation and discussion between the Secretary of State for the Colonies and the Committee appointed by the Government of India upon all questions affecting British Indians domiciled in British Colonies, Protectorates and Mandated Territories. More important still, while reminding the Conference that the British Government had recently come to certain decisions as to Kenya, and stating that he saw no prospect of these decisions being modified, the Colonial Secretary promised to give careful attention to such representations as the Committee appointed by the Government of India might desire to make to him. Sir Tej Bahadur Sapru, however, again made it plain that the recent Kenya decision could not be accepted as final by the people of India.

#### The Colonies' Committee.

The main outcome of the Imperial Conference was the acceptance by His Majesty's Government of Sir Tej Bahadur Sapru's proposal for a consideration of the question by a committee appointed by the

Government of India. This committee came to be known as the 'Colonies Committee.' Subsequently this committee was constituted under the presidency of Mr. Hope Simpson, a liberal M.P., who is widely trusted in India, and the other members were His Highness the Aga Khan, Sir B. Robertson, Diwan Bahadur T. Rangachariar, and Mr. K. C. Roy.

Following upon the Kenya award, statutory action was shortly taken by the local administration on the franchise question. Adult suffrage on communal lines was conferred upon Indians. It was open for the Government of India Committee to make representations for an increase in the number of seats allotted to Indians, and for the registration of all voters on a common electoral roll. As regards immigration, the Government of India took the opportunity to urge the postponement of the bill giving effect to the decision of His Majesty's Govt. until such time as the Colonies Committee should have an opportunity of examining the question of the restrictions therein embodied. The introduction of the bill was postponed at the instance of the Colonial Office; and the Government of India received an assurance that ample opportunities would be afforded for the expression of their views, and that earnest attention would be given to any representation which the Colonies Committee desired to make.

In the following pages are given all the important papers relating to Kenya, namely,—

1. The Statement of the Indian Deputation to Whitehall.
  2. The Indian Memo. to the Premier.
  3. The Kenya White Paper.
  4. The Govt. of India resolution on the last.
  5. Kenya Debates in Parliament.
  6. The Imperial Conference Proceedings.
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## Statement by the Indian Deputation

On their return from England in August 1923, Messrs. Sastri, Kamat and Dwarkadas issued the following statement to the press, detailing their work in England in connection with the Kenya deputation:—

The four main heads of dispute between our countrymen and the White settlers of Kenya were: (1) Segregation, (2) Right of Purchase in the Highlands, (3) Common franchise and adequate representation in the Legislative Council, and (4) the Right of Free Immigration. Our case succeeded only under the first head. The second and third heads have gone directly against us. The fourth has also gone against us, but indirectly—not on the ground originally apprehended but on a different ground. India's heart yearned for equal citizenship of the Commonwealth; the settlement gives us a citizenship inferior to that of the White population. The settlement does not discuss our claim to equality at all. No reason is given for its denial now, no hope is held out for the future. Our mission, therefore, has met with almost complete failure.

One feature of general satisfaction deserves mention. The interests of the African native are declared paramount and entitled to precedence over those of the immigrant communities. The Colonial Office have asserted or according to them reasserted, their trusteeship of the Native. It involves as a corollary the denial of Responsible Government for a long time to come to the people of the Colony. Indians are told to rejoice with the natives of Kenya at having escaped subjection to a narrow oligarchy of white settlers; poor comfort to those that had every right to expect equal citizenship and equal partnership in the Commonwealth.

### ACKNOWLEDGMENTS FOR HELP.

When the Deputation arrived in London at the end of April, the propaganda of the other side had gained ground to an alarming extent. The air was full of lying stories of deep-laid plots on the part of Indians to acquire political supremacy in Kenya to annex the Colony to India and to defraud the Natives and Whites alike of their just rights. It seemed doubtful that we could produce any impression at all. Friends and champions, however, came forth and gave valiant help. In the ranks of the press we should make grateful mention of the "Daily News" the "Daily Herald" the "Manchester Guardian" the "Observer" and the "Nation." Associations got up meetings in furtherance of our cause like the Anti-Slavery League to give but one instance. Opportunities were given us to address small groups of members of Parliament. We lie under special obligations to the Theosophical Society in London and to the British auxiliary of the National Conference in Delhi, for arranging the great Queen's Hall demonstration and a number of gatherings in various towns as well as for continuous and unremitting attention to the cause of India. The social position, personal influence and untiring industry of the Lady Emily Lutyens were at our command. Mr. Jinarajadasa brought to our aid moving eloquence and moral fervour. Out of many other individuals who helped a few must be selected as deserving in a special degree the gratitude of India. It were an impertinence to praise Mr. Andrews. The consecration of his life, his character and his unequalled knowledge of Kenya and kindred problems gave his words an authority that could not be denied; and to his clear-sighted humanity must be given as much credit as to any other single causes for the final acknowledgment of the African

Natives' paramount interest. Mr. Polak, lidless watcher of India's weal in Britain as well as overseas, often criticised but not thanked equally often, was practically in charge of our deputation's activity and never grudged time, energy or money. Our good fortune secured us the sympathy and aid of the Rev. Dr. Oldham, whose lively sense of justice and human brotherhood is united in rare sagacity and power of persuasion. His Highness the Aga Khan, it needs scarcely be said, throughout guided our counsels and ungrudgingly employed the skill and resourcefulness of a remarkable personality in the cause which during several years he has made his own. No list, however meagre, of our indebtedness could be complete which did not make prominent mention of that great service rendered by the party which now forms His Majesty's opposition, in allowing its spokesman in Parliament to promise that, when it comes into power, justice and brotherhood shall be established in the Commonwealth.

#### COLONIAL OFFICE PROCEDURE.

We are constrained to make one adverse remark on the procedure of the Colonial Office. They granted private interviews to us and what were understood to be preliminary interviews to the Kenya deputations, White and Indian. Our countrymen were asked besides to submit a written statement of their case, which they did. A long time was then allowed to elapse. A week before the Colonial vote was to be taken up in the Committee of the House, the Indian deputations were received together by His Grace the Duke of Devonshire attended by his principal officials. We were told that our representations had been fully considered, that the Colonial Office has embodied their conclusions in recommendations placed before the Cabinet, that these could not be divulged, and that we might make any further representations that we wished to make at that stage. We said, we might be able to adduce fresh evidence, or make additional statements if we knew the recommendations that His Grace had made to the Cabinet. But he was firm in refusing to take us into his confidence and added that the White deputation would be placed in no better position. After some more futile talk, the meeting broke up. We must record our feeling that if we had known of the recommendations even at that late stage we might have shown sufficient reason to change them at least in part. In a statement published in the London Press after the debate in the Commons, Lord Delamere stated that he and his colleagues had signed the settlement in token of their acceptance. The Kenya Indians were not invited to sign anything. We could not make out whether any discrimination was made between the two deputations by the Colonial Office. Some light must be thrown on the matter.

#### RELATIONS WITH INDIA OFFICE.

Lords Peel and Winterton showed us every possible consideration personally. We saw them fairly frequently in the first part of our stay in London. Besides, they enabled us to see other influential persons by arranging luncheon parties for the purpose. These and similar kindnesses and courtesies we desire to acknowledge with the most sincere gratitude. Our discussions of the Kenya question were full in the beginning and marked by much freedom. It would be appropriate in this contact to indicate certain important points which arose from these discussions.

1. The India Office urged us at the very start to take a definite stand on the Wood-Winterton agreement. After a little hesitation we adopted the advice, but not before obtaining from the India Office

a declaration of their intention not to be shaken. From that time onward, we have on every public and private occasion repeated our adherence to this compromise. The final settlement, however, as any one can see, is a material falling off from the Wood-Winterton agreement under every head except segregation. Yet, our champions at the India Office have acquiesced in it, and advise India to do likewise.

Our fellow-countrymen from Kenya have maintained an attitude of disapproval towards this agreement. Still, we have good reason to believe that if, in the end, the Cabinet's decision had coincided in the main with that agreement, they would have come into line with us, and accepted it as a working compromise.

II. We pointed out to the India Office that it was wrong to base our claims on the resolution of the Imperial Conference of 1921. That resolution applied only to the self-Government dominions with which India had entered into a part of reciprocity.

#### FLAW IN REASONING.

It was obvious on a perusal of its terms that in the particular case of Kenya it would negative the claim that India put forward to free emigration. As a matter of fact, the White Settlers were not slow to take advantage of this flaw in our reasoning and to insist that before the second part was applied to their colony, the first part should be applied as well. We followed our own line in advocating India's claims, and as Lord Peel stated in the Upper House, relied rather on the equities of the case and the succession of Britain's pledges.

In fact, our case with regard to Kenya would not have lost in cogency if the 1921 Conference had passed no resolution on the status of Indians abroad. Our readers will note, however, that the White Paper treats India's claim as though it rested solely on the terms of that resolution.

III. Some few weeks after our arrival in London, the India Office began to induce us to accept the communal in place of the common franchise. This we firmly refused to do. When reminded of several communities in India being in favour of the communal arrangement, we replied that even those communities would reject it without hesitation if Indians were not granted the same amount of representation in the Legislature as the White Settlers. The idea of equality was the supreme test, and if it was not to be found in a common franchise, it must be found at least in the amount of representation.

#### AN OMINOUS DIFFERENCE.

IV. An ominous difference made its appearance in the very beginning. The India Office professed a horror of first principles, and urged us to avoid such expression as equality, and equal citizenship. We argued that it sounded like practical wisdom in a debate on details; but our entire claim was to equality and no actual suggestion could be tested except by reference to that principle. Where it seemed unnecessary we would avoid rhetorical generalisations but if it came to losing a point by losing sight of the equality idea, we should not shrink from enunciating it. Propaganda was impossible without continual appeal to principles. We were unable, therefore, to heed this caution of the India Office. In the propaganda of our adversaries, the head and front of our offending was often stated to be the assertion of a claim to equality, the very audacity of which was sufficient to take away their breath. The public will not fail to notice the fact that throughout the White Paper, the equality test is not applied

to any of the Cabinet's decision. It is for the very good reason that none of these will satisfy it. Did the India Office smelt dismal lack of principle in the coming decision that they were so anxious to disturb our simple faith in the very beginning?

About a week before the White Paper was issued, we were informed on what seemed good authority but turned out otherwise, that the Cabinet were going to decide in our favour, on segregation and immigration, but against us on the Highlands question and the franchise. We did not give up hope even then, but sent to Lord Peel on the 20th July for submission to the Cabinet a letter on those two points. We annex a copy and request that it be read as part of this report.

#### DISAPPOINTMENT AND INDIGNATION.

Our disappointment and indignation can be imagined when we read the White Paper. Indians would not be excluded on racial but on economic grounds. The native of Kenya needed to be protected from unequal competition in certain occupations; and just those occupations were named which Indians followed. The Cabinet had nothing to say about those that took away the land and the liberties of the native by force and by diplomatic expedients of a questionable character well known in the history of the contact of East and West, of civilised and barbarous communities.

Decisions so palpably one-sided and so flagrantly subversive of repeated promises and professions must have a deeper basis than is to be seen in the specious reasoning of the White Paper. The first part thereof purports to give the historical back-ground, but it is utterly misleading on account of two glaring omissions. One of these is the long, close, and uninterrupted connection of India with pre-British as well as British Kenya. The other, with which we are concerned here, is the state of preparedness for rebellion in which the white community of Kenya have been for some time. They boasted that British opinion would not tolerate the despatch of forces to Kenya, and that if forces were despatched in defiance of that opinion, they would not act. A notorious parallel from the recent history of Ulster was relied on in support of this hope. On the other side, what was there to fear? Discontent amongst certain sections of Indians might be genuine, but it was harmless. Hard words never lost an empire. Secession, paralysis of the administration, chronic deadlock, these have been talked of for some years now. Non-co-operation ended with the arrest of the leader. The salt-tax agitation could not come off. As for the Liberal party in Indian politics, did they ever amount to much? Anyhow, they were no longer necessary. This cry of "Wolf" had been overdone. The Viceroy of India could still keep the country quiet if told to do so. In any case, there was a safe interval now. Let British interests be consolidated in all possible ways, before Indians learned to cause real trouble.

Sentiments of this tenour were often expressed in certain organs of the British press. We heard them now and then in circles where the secret springs of policy are known. It would be beyond the province of our deputation to suggest the future lines of non-official activity in India or in Kenya. But our report would have been incomplete, indeed, it would have been false and misleading if we had, for any reasons whatever, kept from the people of India the real inwardness of the ill-success of our mission.

(Sd.) V. S. SRINIVASA,

(Sd.) B. S. KAMAT.

(Sd.) JAMNADAS DWARKADAS.

## Indian Memo. to the Premier

The Kenya Indian delegates submitted the following memorandum to the Rt. Hon. Stanley Baldwin, M. P., the Prime Minister, in July 1923.

1. Sir,—The question of the future constitution of Kenya Colony involves issues of the gravest importance from the Imperial point of view.

2. It must be stated at once that the acceptance of all or any of the demands put forward on behalf of the European settlers would be a deliberate violation of the principle of equality of treatment, the guarantee of which is the rock, on which the loyalty of India to the British Empire is based. If that principle were deliberately and definitely violated by a decision of the Imperial Government no Indian subject of His Majesty could continue to repose any confidence in the guarantees and promises which are the condition of the allegiance which he is expected to give to the British Crown.

3. The fact that this principle of equality in Imperial citizenship has been openly violated by some of the self-governing Dominions is already the cause of grave discontent in India, and a strong weapon in the hands of those whose object it is to decry and destroy the British connection. But hitherto the Imperial Government has, at least, maintained an attitude of disapproval of the disabilities placed on British Indian subjects in the self-governing Dominions, and has been able to rest on the legitimate excuse, that it has no constitutional authority definitely to interfere with the internal affairs of self-governing Dominions. And that position has been recognised, if not approved, by most thinking Indians. But, if the Imperial Government itself, in a Crown Colony, were deliberately to impose restrictions and disabilities on the Indian subjects of the King-Emperor and accord them an inferior status by placing another community in a position of political dominance and the enjoyment of racial privileges and preference, it would deal the death-blow to the hopes of Indians and their trust in the good faith of the Imperial Government and the British people.

### THE PLEDGES TO THE INDIAN PEOPLE.

4. The pledges given to the Indian people of equal treatment with all other British subjects date from the earliest days of the British connection with India. They begin with the promise made to the inhabitants of the Island of Bombay by Charles II. They are elaborated in the most solemn language in the proclamation of Queen Victoria in 1858, which the Indian people regard as their Charter. King Edward VII. and King George V. in the messages to the Indian people on their accession to the Throne, gave their faithful promise to abide by these pledges. These royal proclamations are not, perhaps, familiar to Englishmen, but they are household words in India, and to treat them "scraps of paper," or, in any way, to endeavour to evade their consequences or equivocate with their terms would be regarded by Indians as a gross betrayal of their rights.

In 1875 Lord Salisbury, as Secretary of State for India, emphasised the obligation of the Imperial Government to accord the Indian subjects of His Majesty equality of treatment in the clearest terms, when he declared to the Colonial Office that Indian settlers must be "in all respects free men with privileges in no whit inferior to those of any other class of Her Majesty's subjects resident in the Colonies."

And for Kenya Indians equality of treatment was additionally guaranteed by the terms of the Charter granted to the British Imperial East Africa Company, which promised equal status to all.

6. Every demand that has been put forward by the European settlers, as has been stated above, involves a breach of these pledges and would place the Indian community of Kenya in a position of inferior status. To grant the whole would reduce them to the condition of helots, in permanent subjection to an oligarchy of white settlers, who have made no secret of their prejudice against, and bitter hostility to, Indians.

#### THE QUESTION OF THE FRANCHISE.

7. There is, first, the question of the Franchise. If Indians are denied equal rights to the franchise their position becomes at once one of political inferiority. Political equality can only exist with a common franchise, the test for which is applied equally and impartially to all communities. The suggestion of a communal franchise is quite repugnant to the principle of political equality. It has been tried in India in circumstances quite different from, and for reasons which do not apply to, conditions in Kenya. It is essentially undemocratic in principle and would inevitably tend to preserve and aggravate racial differences and antagonisms.

Similarly, any arrangement which ensured to the minority of Europeans a permanent majority of the Legislative Council would be a breach of the pledge of equality, by placing the European settlers in a privileged position of permanent domination over the Indian community.

#### RESERVATION OF HIGHLANDS.

8. Secondly, the reservation of lands in the Highlands for Europeans, and the exclusion therefrom of Indians, and the refusal to allow the latter to acquire or hold such lands, would be as grave a breach of the pledge to accord equality of treatment and equal rights. There is no justification, from any point of view, for the claim of the Europeans that they alone should have the enjoyment of the most salubrious lands in the Colony. Their plea that they cannot live in the lowlands—were it founded on fact, which it is not—is no reason why Indians should be excluded from the Highlands. If Europeans do not want to live in the lowlands, they need not. But they must take their chances in the Highlands with others. The claim to privileged and exclusive possession of the most delectable parts of the province is based on pure selfishness and greed. Such a claim has never been put forward before in any part of the Empire directly under the Crown, and to yield to it would be to set a precedent of preferential treatment for one class of His Majesty's subjects, which openly violates the first principles of equality of treatment which the Imperial Government is solemnly pledged to preserve. This exclusion of Indians from the Highlands places them in a position of inferiority even to non-British Europeans. Any foreign European, even an ex-enemy subject, would be at liberty to acquire land in the Highlands from which Indians are debarred. Could anything be a greater outrage upon the rights of British citizenship which Indians are supposed to enjoy?

#### SEGREGATION.

9. Thirdly, the proposal of the European settlers for the segregations of Indians is so much more greatly a violation of those



principles that it would be inconceivable that the Imperial Government could even assent to it, were it not that Lord Milner two years ago actually proposed its acceptance. In India, where Europeans and Indians have lived side by side for nearly 200 years, such a proposal has never been heard of. Indians have nothing to learn in matters of personal cleanliness and hygiene and sanitary habits from the West. They may prefer in Kenya, and mostly do, to live apart from Europeans, but legally enforced segregation would be an insult which they would never tolerate. They claim the right to live where they will in the Colony and they look to the Imperial Government to preserve and protect that right.

#### RESTRICTIONS ON IMMIGRATION.

10. Fourthly, there is the suggestion to impose restrictions on the immigration of Indians into the Colony. This, again, would be a definite and grave breach of the pledges of equal rights with other subjects of His Majesty, solemnly given to India by three successive Sovereigns. Indians enjoyed unrestricted immigration into East Africa before the white settlers came there. By what right or reason can restriction be imposed now? There is no right, and the only reason for the suggestion is the selfishness of the minority, who wish to enjoy monopoly of place and power in the Colony to the exclusion of those who have played so great, if not the larger part, in the establishment of Kenya Colony as the most fertile and promising of the later acquisitions to the British Empire.

#### INDIANS THE PIONEERS IN EAST AFRICA.

11. Advocates of the claims put forward by the European community in Kenya, speak and write as though they were the old-established settlers, the early pioneers who have made the Colony what it is; and one is left to suppose that the Indians are intruders pushing their way in ever-increasing numbers into a country where they have no historical right of existence.

The real facts are quite contrary to this. Indians went to East Africa long before any European ever appeared there—long before any European went to India. Their relations with the East African coast go back for many centuries. Indian trade with East Africa can certainly be traced back to the fifteenth century. It was the presence and influence of Indian merchants which made the establishment of British influence and the acquisition of territory by Great Britain possible. A host of authorities could be quoted to prove this assertion from Sir John Kirk, the first British Consul, Zanzibar, who declared in his evidence before a Parliamentary Committee that, but for the Indians, the British Government could not have acquired and established its influence in those regions. Mr. Winston Churchill in "My African Journey" says:—

"How stands the claim of the British Indian? His rights as a human being, his rights as a British subject, are equally engaged. It was the Sikh soldier who bore an honourable part in the conquest and pacification of these East African countries. It is the Indian trader who, penetrating and maintaining himself in all sorts of places to which no white man could go or in which no white man could earn a living, has more than anyone else developed the early beginnings of trade and opened up the first slender means of communication.

"Is it possible for any Government with a scrap of respect for honest dealing between man and man to embark upon a policy of

deliberately squeezing out the native of India from regions in which he has established himself under every security of good faith? Most of all, we ask, is such a policy possible to the Government which bears sway over three hundred millions of our Indian Empire?" And Sir Harry Johnston, the great African explorer and administrator, who wrote more recently (*Times*, August, 1922):

"The participation of Indians of all classes with us in the conquest from the slave traders, the survey, the opening up, the discoveries of botany and zoology of East Africa, from Abyssinia and Zanzibar down to Natal, has been too noteworthy to be overlooked by the European immigrants into the British possession so ridiculously misnamed "Kenya." The British white men have been the leaders in East African enterprise, and they have been loyally backed up, laboured for, fought for, by thousands of black men. But the intermediary role played by the Indian sepoys, non-commissioned officers, surveyors, clerks, surgeons, botanical collectors, traders and horticulturists, in all East Africa, from the Zambezi to Somaliland, has been too important and loyal to be overlooked in the callous way characteristic of the thousands of recent white settlers in the hinterland of Mombasa. The injustice of their attitude, the excess of their influence, revolts me, who strove before they were born, to open up East Africa to knowledge by the help of Indian troops, Indian doctors, and Indian clerks."

Indians, indeed, did the pioneer work in the Colony. Indian labour built the Uganda Railway. Indian traders passed into the interior regions and opened up trade with the natives. Again and again, it was India that supplied the troops and stores for the campaigns, which achieved the suppression of the slave trade, the conquest and pacification of territories and their subsequent protection. During the great war it was Indian troops that came first to protect the British possessions in East Africa. Fifty thousand Indians fought and five thousand Indians died to preserve the British territories and to conquer the German Colonies. Indian valour, Indian lives and Indian treasure were given freely to save and protect the homes and lands of the men and women who now demand that the Indians in Kenya should be deprived of their rights as British citizens, who have flung at them every kind of abuse and have declared war on their very existence as a community.

#### INDIANS NOT SEEKING DOMINION.

12. Nothing could be further from the truth than the suggestion that the Indians in Kenya are seeking to establish for themselves a position of dominance in the Colony; or that to yield to their demands would bring about that result in the near or distant future. They ask for no more than to be allowed to live on terms of equality with other members of the community, without favour or preference of any kind. Especially is it untrue and libellous to assert that they have any intention of or desire to, take over the trusteeship for the native races.

The Indian representatives have from the beginning made clear to the Secretary of State for the Colonies that they recognise that the interest of the native races are the paramount concern of the Imperial Government in Kenya, and they do not want in any way to intervene between the Imperial Government and the native races or to interfere with, or have any part in native administration. They have stated clearly and definitely that they think the control of native

affairs should, in any event, be exclusively retained in the hands of the Crown.

#### THE INDIAN DEMAND.

13. Their demand is that, if there is to be an electoral franchise for the Legislative Council and Municipal bodies, it shall not be denied to them, but given to them on equal terms, whatever the test may be, with Europeans. Their objections to a communal franchise, which would give an unfair preference to Europeans, have already been stated. They do not consider, however, that it is desirable, in present conditions, that there should be an electoral legislature. The circumstances render the existence of a franchise for the present undesirable, and their suggestion to the Secretary of State from the beginning has been that Crown Colony Government should be continued for the present with an Advisory Legislative Council, containing an official majority and nominated non-official members, representing equally the Indian and European communities. This is the only equitable way out of the difficulties created by the demand of the white settlers, which would place the latter in a position of effective domination over other communities.

It is not only the Indians in Kenya who are concerned. This attack on their fellow-countrymen abroad has burned into the hearts of the Indian people, who are watching the outcome with feelings of tense anxiety. Great will be the responsibility of those in whose hands it rests to do justice to the Indian subjects of the King-Emperor, if they fail to ensure the fulfilment of the solemn obligations of His Majesty to the Indian people.

15. The Imperial Government is afforded an opportunity, from which it should not shrink, of once and for all making it clear that it stands for equality, fairness and justice in its dealings with the contending claims of different communities within the Empire, and honest fulfilment of pledges, and that it will not tolerate attempts on the part of any community in any part of the Empire to secure for itself a position of dominance or preference. The Indian community of Kenya and the people of India await the issue with anxiety, but complete confidence in the justice of their cause. They look to the Imperial Government to protect and preserve their rights to the fullest extent.

1. By the extension of the franchise, if there is to be a franchise, on equal terms to Indians.

2. By the refusal to impose any sort of disabilities on Indians, which would affect their right to acquire, hold or deal in land in any part of the Colony, on equal terms with Europeans.

3. By the recognition of the right of Indians to enter and leave the Colony without restrictions.

4. By the uncompromising condemnation of the proposal for segregation of Indian.

5. By the assertion of the right of Indians in accordance with the terms of the pledges given from the Throne, to be admitted to every branch of the public service and to enjoy the same prospects of pay and promotion, up to the highest offices, as Europeans.

#### THE ALTERNATIVE.

Indians could not accept any settlement which would impinge in any degree on these rights, to which they are clearly entitled, and

which the Imperial Government is under the most solemn obligation to uphold. Should it fail to fulfil that obligation, the people of India, and the Indians in Kenya and other colonies, would be left to believe that the Imperial Government was indifferent to the promises made to them through the mouth of their Sovereign and contemptuous of the results of a betrayal of those promises. The effect would be inevitably to destroy their confidence in the good faith of Britain and to break the strongest link which binds India to the Empire. If India cannot depend, to the fullest extent, on the good faith of the Imperial Government in fulfilling the pledges given from the Throne, and protecting without compromise the rights of Indians as equal subjects of the King-Emperor, her interest in the Imperial connection ceases to exist. For, on such conditions, there is clearly, no self-respecting future for India within the British Empire.

We have stated our case, Sir, plainly and frankly, as we have thought it right to do, with the sense of responsibility that rests upon us as the representatives of our community. We feel assured that it will receive from you the fullest consideration.

We are, Sir, Your most obedient servants.

M. A. DESAI,  
A. M. JEEVANJEE,  
HOOSSEENBHAI S. VIRJEE.

B. S. VARMA,  
YUSUF ALI A. K. JEEVANJEE,  
TAYAB ALI.

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## The Kenya White Paper

The following is the Text of the famous Kenya White Paper issued by the Colonial office on July 24th. 1923:—

The following memorandum summarises the history of the Indian question in the Kenya Colony and Protectorate and sets out the general policy which has been laid down by His Majesty's Government, together with the decisions which they have taken on the practical points at issue.

### PART I.

1. The question of the status of Indians in Kenya has come under the consideration of successive Secretaries of State for the Colonies in one form or another for many years; but with the recent change in the constitutional and political position of India, it has now become a matter of Imperial policy to which His Majesty's Government have given prolonged and anxious consideration in order to reach a settlement of the existing difficulties.

2. The history of the position of Indians in Kenya up to the end of the late war may be summarised briefly. There have been Indian merchants established along the East African Coast for a long time, and, with the opening up of Uganda and Kenya, and particularly with the development of British administration in those countries during the last thirty-eight years, Indian traders have penetrated into the interior. Many Indian artisans and labourers employed on the construction of the Uganda Railway remained to engage in commerce, and, at the beginning of the present century, the number of Indians in Kenya was greatly increased by the arrival of artisans, clerks and small traders. There is a limited number also of professional men and traders on a large scale who have come from India to the Colony. The agricultural Indian is, however, almost unknown in Kenya.

3. It was the question of the ownership of land in the Highlands which first brought Indian and European interests into conflict. The Highlands, less the area in that region reserved for Africans, amount to about one-tenth of the total area of the Colony and Protectorate, and they are in climate unique in the great belt of Tropical African possessions of the Crown. There were a few European settlers from about 1897, but the encouragement of their immigration into the country as a matter of policy may be dated from 1902. From that time the influx of European settlers increased steadily. The policy of the reservation of the Highlands for Europeans was definitely laid down by the Earl of Elgin, when Secretary of State for the Colonies in 1908.

4. At that time the unofficial element on the Legislative Council was entirely nominated, and in 1909 the experiment was tried of adding an Indian nominated member. This experiment did not prove entirely satisfactory, and the appointment was not renewed when the term of office of the Indian concerned came to an end.

5. In 1913, a distinguished sanitation expert, Professor (now Sir William) Simpson furnished a report on sanitary matters in Kenya, in which he advocated strongly a system of racial segregation, both in the residential and in the commercial areas of the large towns. His views were accepted, and when the time came for applying them after the war, this question of segregation formed one of the main points at issue between the European and the Indian communities.

6. At the end of the war it was decided to give effect to the long-standing desire of the European community for representation on the Legislative Council by means of elected members. The grant of elective institutions was approved by Viscount Milner in 1919 and took effect at the beginning of 1920. The number of European elected unofficial members of the Council was fixed at eleven, but provision was made for maintaining an official majority in the Council.

7. In 1918, the report of a local Economic Commission of Enquiry into post-war development was published. This contained disparaging references to the Indians then in Kenya and advocated strict control of future immigration from India. Although the passages in questions were repudiated by Lord Milner as not representing the view either of His Majesty's Government or himself, the report undoubtedly added to the feeling of bitterness among the Indians.

8. At the same time Indian sentiment both in India and Kenya, was becoming more articulate, and a large number of claims was put forward by the Indian community in Kenya, including a demand for representation on the Legislative Council on an equality with Europeans. After full consideration and discussion, Lord Milner addressed a despatch on the 21st May, 1920, to the Governor of Kenya conveying decisions on the various points at issue. That despatch has already been published locally in the "Official Gazette." The decisions may be summarised as follows:—

(a) Arrangements to be made for the election of two Indian members of the Legislative Council on a special franchise.

(b) Arrangements to be made for elective representation of Indians on Municipal Councils.

(c) No restriction on Indian immigration which would place the natives of India at a disadvantage as compared with other immigrants.

(d) Lord Elgin's decision in regard to the reservation of the Highlands for Europeans to be maintained, but reasonable opportunity to be afforded for Indian agricultural settlement in areas of adequate extent and good quality which could be set apart for that purpose without infringement of native rights.

(e) The principle of race segregation to be adhered to in residential areas and whenever practicable, in commercial areas also.

Other matters were dealt with, but these were of minor importance and need not now be recapitulated.

9. The Government of India reviewed the whole position in a despatch of the 21st October, 1920, which has been published as Command Paper 1311.

This despatch reopened the whole question and led to protracted discussion between the Secretary of State for the Colonies and the Secretary of State for India, in which the points at issue were considered in relation not only to Kenya but also to the general political position in India. This discussion continued during the spring and summer of 1921, and in that period also the matter was raised by the Joint Parliamentary Committee on Indian Affairs under the chairmanship of Lord Islington. The report of the Committee has been published as House of Commons Paper 177.

10. The more general question of the position of Indians in the Empire came under discussion at the Imperial Conference of 1921. At the final meeting the following Resolution was adopted:—

"The Conference, while reaffirming the resolution of the Imperial War Conference of 1918, that each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of restriction on immigration from any of the other communities, recognises that there is an incongruity between the position of India as an equal member of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire. The Conference accordingly is of the opinion that, in the interests of the solidarity of the British Commonwealth, it is desirable that the rights of such Indians to citizenship should be recognised."

The following observations were appended to the Resolution:—

"The representatives of South Africa regret their inability to accept this resolution in view of the exceptional circumstances of the greater part of the Union."

"The representatives of India, while expressing their appreciation of the acceptance of the resolution recorded above feel bound to place on record their profound concern at the position of Indians in South Africa, and their hope that by negotiation between the Governments of India and of South Africa some way can be found, as soon as may be, to reach a more satisfactory position."

11. The question of the settlement of the position in Kenya was discussed between Mr. Churchill, then Secretary of State for the Colonies, and Sir Edward Northey, the Governor of Kenya, who was on leave, and when Sir Edward Northey returned to Kenya in September, 1921, he attempted to secure an agreed settlement, but without success.

12. A deputation of Europeans came to England in the following winter, and an Indian deputation, consisting of persons who were already in this country, was also received by the Secretary of State. No progress, however, was made towards a settlement on this occasion.

13. An Inter-departmental Committee, consisting of the Parliamentary Under-Secretaries of State for the Colonies and for India (The Honourable Edward Wood, M. P., and the Earl Winterton, M.P.), with representatives of the two Offices, met several times during the summer with a view to arranging terms which would meet the insistent demands received from India for a full measure of Indian representation in Kenya and at the same time secure a settlement acceptable in Kenya itself. They drew up a report, which was adopted provisionally by the Secretaries of State for reference to the Government of Kenya and the Government of India, in order to obtain a confidential expression of the opinion of both Governments on the proposal.

#### WOOD-WINTERTON REPORT.

14. Meanwhile, Sir Robert Coryndon had succeeded Sir Edward Northey as Governor of Kenya, and a telegram was sent to him on the 5th September, 1922, conveying the substance of what is now known as the "Wood-Winterton report." The terms of the proposed settlement as detailed in the telegram were as follows:—

(1) *Franchise*.—A common electoral roll for all British subjects and British protected persons (male or female) aged 21 years and upwards, possessing qualifications which were to be prescribed.

(II) *Qualifications*.—Either a complete census or a test census to be held in order to determine a method of adjusting qualifications which would approximately result in a ten per cent. Indian electorate. To obtain this percentage it might be necessary to adopt alternative property or educational qualifications instead of combined qualification. Should the census show that in order to get the ten per cent. the qualification standard would obviously be unreasonably low, reasonable standards would be laid down irrespective of the resulting percentage. Qualifications to be settled in time to enable the new Indian electorate to vote at the general election in March, 1923. European voters already on register would be admitted to the new register whether or not in possession of the new qualifications, but all fresh applicants for registration, whether Europeans not registered under the Legislative Council Ordinance 1919, or Indians, would be required to possess these qualifications.

(III) *Constituencies*.—The official majority to be retained. Alternative proposals as follows:—

(a) Eleven elected members representing seven constituencies, three of which to return one member and four two members. In the former, European candidates only to be qualified for election: in the latter, there would be one European seat and one Indian seat, giving a total of seven Europeans, four Indians.

(b) The India Office suggested that there should be twelve elected members representing four constituencies, each constituency returning three members, or alternatively, eleven elected members representing four constituencies, of which three would return three members and one would return two members. One seat in each constituency should be Indian, the rest Europeans, giving eight or seven Europeans according as the total were twelve or eleven elected members and four Indians. This alternative (b) would not prejudice the position of the Europeans, and might be more acceptable to the Indians. The Government of Kenya to examine and report upon the possibility of giving effect to alternative (b), but the reply to the telegram not to be delayed for that purpose.

(IV) *Municipal Franchise*.—Agreed that in municipalities Indians must be given adequate representation on an elective basis where such basis already existed for Europeans, but detailed arrangements could not be decided upon until the receipt of a despatch on the subject expected from the Governor.

(V) *Executive Council*.—Provision already existed in the Constitution for such persons to serve as unofficial members of the Executive Council as the Governor might appoint from time to time. There was now one unofficial Indian member of the Executive Council under this provision, and it should be understood that this arrangement would continue. No distinction to be made between Europeans and Indians in deciding on the fitness of individuals to be members of the Executive Councils.

(VI) *Segregation*.—No segregation, either commercial or residential, on racial lines, but the Colonial Government or municipal authorities to have power to impose at their discretion sanitary, police and building regulations, subject to these regulations containing no racial discrimination as such.



(VII) *Immigration*.—It would be announced that in present circumstances no change was contemplated in the existing regulations.

*Note*.—The Secretary of State added a note on this subject as follows:—

"Throughout discussions with India Office, I have made it plain that my view is unchanged as to immigration control, and that if the danger ever arises of a large influx of Indians, I hold myself entirely free to take action which may be necessary. In view of the figures which you have supplied as to the influx and efflux of Indians in 1921-22, I have not felt it necessary to insist on any alteration of the law at present."

(VIII) *Highlands*.—The following to be the terms of the announcement:—

"The Colonial Office cannot contemplate any change in the existing law and practice, having regard to past policy and commitments. The India Office take note of this view, but are unable to accept it, and reserve the right to reopen the question, if need be, at some future date."

15. The Government of India were willing to accept the scheme, although they did not consider that it fully met the claims put forward on behalf of the Indians. The Government of Kenya rejected the scheme mainly on the ground that it gave no sufficient safeguard to the European community against Indian predominance in the future.

16. No immediate progress was possible for various reasons, but, with the change of Government in October, 1922, discussions were resumed between the Secretary of State for India and the new Secretary of State for the Colonies. The desirability of arriving at an agreed settlement was impressed upon the Governor, but his discussions with the leaders of the European community in Kenya led to nothing. The fears of the Europeans were rendered the more acute by demands put forward by Indian political leaders in Kenya and elsewhere, who were understood to state that they only accepted the Wood-Winterton proposals as a basis for further demands and that nothing short of the full equality of Indians and Europeans would be satisfactory. The Europeans, seeing themselves outnumbered by Indians already by more than two to one, and fearing a further large influx of Indians, regarded such a claim as establishing Indian domination on the unofficial side of the Council and as depriving the Europeans sooner or later of all representation on the Council.

It became obvious that the policy proposed in the Wood-Winterton report would not satisfy parties in Kenya. It was therefore arranged that a European and an Indian delegation should come to this country from Kenya, together with the Governor, for further discussion. The European delegation was accompanied by the Reverend Dr. J. W. Arthur, selected to represent the views of the Missionaries in Kenya on the native interests involved in the controversy. A delegation consisting of three Indian political leaders, headed by the Right Honourable Srinivasa Sastri, also came from India to represent the interest felt by Indian public opinion in this question. The delegations arrived in the course of April and May, 1923. Every opportunity has been taken of gathering the opinions of the several parties interested, and the question has now

been reviewed in all its bearings. As a result of this re-examination of the position, His Majesty's Government have arrived at certain conclusions, which are set forth in the following part of this memorandum.

## PART II.

### GENERAL STATEMENT OF POLICY.

The General policy underlying any decision that may be taken on the questions at issue must first be determined. It is a matter for satisfaction that, however irreconcilable the views of the European and Indian communities in Kenya on many points may be, there is one point on which both are agreed, namely, the importance of safeguarding the interests of the African natives. The African population of Kenya is estimated at more than 2½ millions; and according to the census of 1921, the total numbers of Europeans, Indians and Arabs in Kenya (including officials) were 9,651, 22,822 and 10,102 respectively.

Primarily, Kenya is an African territory, and His Majesty's Government think it necessary definitely to record their considered opinion that the interests of the African natives must be paramount, and that if, and when, those interests and the interests of the immigrant races should conflict, the former should prevail. Obviously the interests of the other communities, European, Indian or Arab, must severally be safeguarded. Whatever the circumstances in which members of these communities have entered Kenya, there will be no drastic action or reversal of measures already introduced, such as may have been contemplated in some quarters, the result of which might be to destroy or impair the existing interests of those who have already settled in Kenya. But in the administration of Kenya His Majesty's Government regard themselves as exercising a trust on behalf of the African population, and they are unable to delegate or share this trust, the object of which may be defined as the protection and advancement of the native races. It is not necessary to attempt to elaborate this position, the lines of development are as yet in certain directions undetermined and many difficult problems arise which require time for their solution. But there can be no room for doubt that it is the mission of Great Britain to work continuously for the training and education of the Africans towards a higher intellectual moral and economic level than that which they had reached when the Crown assumed the responsibility for the administration of this territory. At present special consideration is being given to economic development in the native reserves, and within the limits imposed by the finances of the Colony all that is possible for the advancement and development of the Africans, both inside and outside the native reserves, will be done.

His Majesty's Government desire also to record that in their opinion the annexation of the East Africa Protectorate, which, with the exception of the mainland dominions of the Sultan of Zanzibar, has thus become a Colony, known as the Kenya Colony, in no way derogates from this fundamental conception of the duty of the Government to the native races. As in the Uganda Protectorate so in the Kenya Colony, the principle of trusteeship for the natives, no less than in the mandated territory of Tanganyika, is unsalable. This paramount duty of trusteeship will continue, as in the

past, to be carried out under the Secretary of State for the Colonies by the agents of the Imperial Government, and by them alone.

#### FUTURE CONSTITUTIONAL EVOLUTION.

Before dealing with the practical points at issue directly connected with the claims of the Indians, it is necessary, in view of the declaration of policy enunciated above, to refer to the question of the future constitutional evolution of Kenya.

It has been suggested that it might be possible for Kenya to advance in the near future on the lines of responsible self-government subject to the reservation of native affairs. There are, however, in the opinion of His Majesty's Government, objections to the adoption in Kenya at this stage of such an arrangement, whether it takes the form of removing all matters affecting Africans from consideration in the Council, or the appointment of the Governor as High Commissioner for Native Affairs, or provisions for a special veto by the Crown on local legislation which touches native interests; and they are convinced that the existing system of government is in present circumstances best calculated to achieve the aims which they have in view, namely, the unfettered exercise of their trusteeship for the native races and the satisfaction of the legitimate aspirations of other communities resident in the Colony.

His Majesty's Government cannot but regard the grant of responsible self-government as out of the question within any period of time which need now be taken into consideration. Nor, indeed, would they contemplate yet the possibility of substituting an unofficial majority in the Council for the Government official majority. Hasty action is to be strongly deprecated, and it will be necessary to see how matters develop, especially in regard to African representation, before proposals for so fundamental a change in the Constitution of the Colony can be entertained. Meanwhile, the administration of the Colony will follow the British traditions and principles which have been successful in other Colonies, and progress towards self-government must be left to take the lines which the passage of time and the growth of experience may indicate as being best for the country.

#### PRACTICAL POINTS AT ISSUE.

Turning now to the practical points at issue arising directly out of the claims of Indians domiciled in Kenya, these may be considered under the following heads:—

- Representation on the Legislative Council.
- Representation on the Executive Council.
- Representation on Municipal Councils.
- Segregation.
- Reservation of the Highlands for Europeans.
- Immigration.

#### REPRESENTATION ON THE LEGISLATIVE COUNCIL.

(a) *Elective System.*—In no responsible quarter is it suggested that the Indians in Kenya should not have elective representation upon the Legislative Council of the Colony. The point at issue is the method whereby such elective representation should be secured. There are two alternative methods:—

- (i) A common electoral roll.
- (ii) Communal franchise.

Under the former system, Kenya would be divided up into a given number of constituencies, in each of which European and Indian voters on the roll would vote together at an election for candidates of either race, and the qualifications for admission to the voters' roll would be the same for Europeans and for Indians. Under the latter system, European and Indian constituencies would be demarcated independently, not necessarily coinciding in number or boundaries; the qualifications for admission to the voters' roll would not necessarily be the same for the two communities; and while Europeans would vote in the European constituencies for European candidates, Indians would vote in the Indian constituencies for Indian candidates.

As a variant of the former system there is the common electoral roll with reservation of seats. This arrangement would involve the setting apart of a certain number of seats in a given constituency for candidates of a certain race; for example, in a constituency returning three members, with two seats reserved for Europeans and one for Indians, the two European candidates and the one Indian candidate highest in the poll would be elected, irrespective of the position in the poll of other candidates of either race.

The common electoral roll for all British subjects and British protected persons, with reservation of seats, was proposed in the Wood-Winterton report, and it was further suggested that the qualifications for voters should be such as to admit, if possible, ten per cent. of the domiciled Indians to the register.

For the common electoral roll it is claimed that it would bridge the gap between the Europeans and Indians by giving a candidate of one race an incentive to study the needs and aspirations of the other race. Further, Indian sentiment, both in India and Kenya, strongly favours the common electoral roll, even though a communal franchise exists in India itself.

A communal franchise secures that every elector shall have the opportunity of being represented by a member with sympathies similar to his own, a consideration which in other Colonies has led the domiciled Indians to press for its adoption; it is well adapted to the needs of a country such as Kenya; no justification is seen for the suggestion that it is derogatory to any of the communities so represented, and it is believed that so far from having a disruptive tendency, it would contract rather than widen the division between races in Kenya.

So far as Africans are concerned, a communal franchise provides a framework into which native representation can be fitted in due season.

From the point of view of the Indian residents themselves, this system permits of a far wider franchise being given than would be the case if a common electoral roll were introduced, and this alone should render it acceptable to all supporters of the Indian claims who have at heart the political development of the Indian people.

Finally, it allows of the immediate grant of electoral representation with a wide franchise to the other community in Kenya which is ripe for such institutions viz., the Arabs of the Coast.

These considerations were weighed before the Wood-Winterton report was drawn up; the recommendation then made turned

largely on the desire to meet Indian feeling so far as conditions in Kenya would admit. The result of the reference to opinion in Kenya of the recommendation that a common electoral roll should be adopted, even though combined with a reservation of seats, was to show that the advantages claimed for the common electoral roll would in practice have been 'illusory. In the special conditions existing in Kenya it is clear that no candidate, European or Indian, could stand as an advocate of the interests of the other race without sacrificing the support of his own. If elections were to be fought on racial lines, as they undoubtedly would have been in Kenya, the main advantage claimed for the common electoral roll, namely, the bringing of the races nearer together, would be lost.

Having regard to all the circumstances, His Majesty's Government have decided that the interests of all concerned in Kenya will be best served by the adoption of a communal system of representation.

(b) *Qualification for Voters.*—It is not intended to effect any alteration in the qualifications for admission to the register of European voters as laid down in Ordinance No. 22 of 1919; that is to say, adult suffrage, subject to certain necessary and customary reservations. Under the communal system His Majesty's Government are prepared to grant to Indians a wide franchise. It will be a matter for the Governor of the Colony to ascertain the views of the Indian community and to submit the necessary legislation to give effect thereto. The same procedure will be followed in the case of the Arab community.

(c) *Qualifications for Candidates.*—His Majesty's Government are prepared to adopt a similar principle in regard to the qualifications for candidates, except that there must be a test which will ensure that candidates have such a knowledge of the English language as will enable them to take their part in the proceedings of the Legislative Council. No system which would involve the use of two or more official languages in the Council will be contemplated; but His Majesty's Government have no ground for supposing that the imposition of this necessary condition will create difficulties or limit unreasonably the choice of suitable candidates.

(d) *Numbers on Legislative Council.*—The question then remains of the number of seats on the Council to be allocated to each community. As matters stand there are eleven elected unofficials (Europeans) on the Council, and as a provisional measure authority was given in 1921 for the substitution of four nominated Indian members for the two elected Indian members contemplated in Lord Milner's despatch of the 21st May, 1920.

After full consideration, His Majesty's Government have decided that provision should be made for five elected Indian unofficial members on the Council; while for the Arabs, it has been decided that there shall be one elected member in addition to the nominated Arab official member for whom provision already exists. The Europeans will continue to return eleven elected representatives. The number of nominated official members will be fixed so as to maintain an official majority on the Council.

In the opinion of His Majesty's Government adequate representation of the interests of each community will be secured by this allocation. It is desired, however, that the views of the Indians in Kenya

should be ascertained before a decision is taken upon the actual arrangement of the constituencies to be represented by the five Indian members.

No articulate expression of opinion can be yet expected from the African tribes in Kenya, and the time has not come to consider what should be their representation on the Council. The educational development of individual natives will undoubtedly precede the political education of the general body of natives; there are, indeed, signs of this already.

In present circumstances, the Governor has the advice of the Chief Native Commissioner in all matters affecting the African population and with the official majority can ensure the enactment of any measures for the betterment of the natives which may be approved by His Majesty's Government. It has, however, been suggested that a nominated unofficial member chosen from among the Christian Missionaries in Kenya specially to advise on such matters should be added to the Council until the time comes when the natives are fitted for direct representation. His Majesty's Government see no objection in principle to this arrangement, and they agree that provision should be made accordingly. It will be for the Governor to select a suitable person for nomination from time to time. It will, of course, be understood that there is no question of the representation of the Missionary Bodies as such, and that consideration of religious denomination will not affect the selection. Nor will the nomination of this one member relieve the Governor and his advisers of their full responsibility for representing the native interests.

#### REPRESENTATION ON EXECUTIVE COUNCIL.

As regards the Executive Council, the present position as set forth in the Wood-Winterton report will be maintained except that the Governor will be given authority to nominate as an additional unofficial member a suitable person, preferably a Missionary, whose advice on matters affecting Africans will, in the opinion of the Governor, be of value.

#### REPRESENTATION ON MUNICIPAL COUNCILS.

The only Municipality which has been set up in Kenya is that of Nairobi.

The Municipal Corporation's Ordinance No. 33 of 1922 provides for Municipal Councils to consist of so many Councillors as the Governor shall determine and the appointment of these Councillors rests with the Governor.

It was not desired to suspend the enactment of various amendments to the existing law which are included in this Ordinance until the policy as to elections for Municipal Councillors had been determined; consequently, the provision for the constitution of Municipal Councils was re-enacted generally in the form in which it appeared in the Municipal Corporation's Ordinance of 1909.

Lord Milner contemplated in 1920 election in lieu of nomination of Municipal Councillors, but no concrete scheme was submitted by the Colonial Government for giving effect to that policy. The matter is one requiring careful examination, but, in principle, if an elective basis is now introduced, it follows from the decision in regard to the Legislative Council that municipal representation also

will be on a communal basis, due provision being made for the protection of the interests of the Africans until such time as they are fit to exercise a franchise.

It will be an instruction to the Governor to put forward proposals for consideration of the Secretary of State for the Colonies after he has been able to consult his advisers in Kenya.

#### SEGREGATION IN TOWNSHIP.

The next matter for consideration is that of segregation of the European and non-European races. Following upon Professor Simpson's report, a policy of segregation was adopted in principle and it was proposed by Lord Milner to retain this policy both on sanitary and social grounds. So far as commercial segregation is concerned, it has already been generally agreed that this should be discontinued. But in regard to residential segregation, matters have been in suspense for some time and all sales of township plots have been held up pending a final decision on the question of principle involved. It is now the view of the competent medical authorities that, as a sanitation measure, segregation of Europeans and Asiatics is not absolutely essential for the preservation of the health of the community; the rigid enforcement of sanitary, police and building regulations, without any racial discrimination, by the Colonial and municipal authorities will suffice. It may well prove that in practice the different races will, by a natural affinity, keep together in separate quarters, but to effect such separation by legislative enactment except on the strongest sanitary grounds would not, in the opinion of His Majesty's Government, be justifiable. They have therefore decided that the policy of segregation as between Europeans and Asiatics in the townships must be abandoned.

But for the present, at any rate, it is considered desirable, as in other native dependencies, to keep the residential quarters of natives, so far as may be practicable, separate from those of the immigrant races. In the case of individual natives, such as servants, strict segregation would be unworkable; but it is important that, when areas have been fixed in townships for native residence, those areas should be regarded as definitely set aside for the use of natives, and no encroachment thereon by non-African races should be permitted.

#### RESERVATION OF HIGHLANDS.

As early as 1906 the question of the grant of land in the Highlands to non-Europeans had arisen for consideration, and Lord Elgin, who was the Secretary of State for the Colonies, informed the Commissioner (now styled Governor) that it would not be in accordance with the policy of His Majesty's Government to restrict any section of His Majesty's subjects from holding any land in British Protectorates; but he thought, in view of the comparatively limited area of the East Africa Protectorate suitable for European cultivation, that a reasonable discretion should be exercised in dealing with applications for land from natives of India or other non-Europeans. The principle which had been acted upon by the previous Commissioner, namely, that agricultural land in the Highlands should be granted only to Europeans, was approved.

Lord Elgin confirmed his decision in 1908, stating that, while it was not consonant with the views of His Majesty's Government to impose any legal restrictions upon any section of the community,

grants in the upland area should not, as a matter of administrative convenience be made to Asiatics.

It has been claimed on the side of the Indians, first that Lord Elgin's decision only related to the initial grant of Government land in the Highlands, and that it has since been stretched so as to preclude the transfer of land from Europeans to Indians in that area, and further, that Lord Elgin's statement that no legal restrictions should be imposed has been varied by the terms of the Crown Lands Ordinance of 1915.

At the time of Lord Elgin's decision, Government land in the East Africa Protectorate was alienated by allotment by the Lands Office and the Commissioner had the power of veto on all transfer of land between private holders. In view of this general veto, it was unnecessary for Lord Elgin to deal specially with the question of transfer, and, although no public statement was made on the point, it is clear that the question of land in the East Africa Protectorate was considered by his successors and the local authorities on the basis that the reservation of the Highlands to Europeans must cover transfer as well as original grant from the Crown.

In the consideration of land policy which led to the enactment of the Crown Lands Ordinance of 1915 it was decided:—

(a) To substitute for the system of selling land by allotment the system of selling leases at public auction.

(b) To abolish the Governor's general power of veto on transfer, which was found to interfere unduly with the lessee's ability to deal with his land by mortgage, etc.

In order to apply these decisions in a manner consistent with the principle of the reservation of the Highlands to Europeans, it was found necessary to provide that, in announcing the conditions of the sale of particular farms, the Land Officer should state (in cases where the point arose) whether the bidding at the auction was limited to Europeans or not. To deal with the case of transfer it was necessary to retain, in a modified form, the Governor's power of veto, and this matter was very fully considered by Mr. Harcourt (the late Viscount Harcourt), who was Secretary of State at the time. He refused to agree to a veto on transfers between Europeans and Asiatics involving a definite racial discrimination; but, in order not only to deal with the particular case of the Highlands, but at the same time to secure protection for non-European land-holders (particularly in the coast strip which now forms the Kenya Protectorate) against their being victimised by concession hunters, he approved of provision being made to retain the power of veto on transfers between persons of different races.

It will be observed that the passages in the Crown Lands Ordinance of 1915 which have been complained of raised no new principle, but merely maintained the principle of past practice. Nor can it be claimed that they amount to legal discrimination against Indians, for it would be possible for the Executive Government to grant land in the Highlands to an Asiatic, or to approve of the transfer of land from a European to an Asiatic, without any alteration in the existing law.

In adhering to the position adopted by his predecessors in this matter, Lord Milner, when Secretary of State, made it clear that the



reservation of a certain area for Europeans implied that a similar reservation should be available for Indians who wished to take up agricultural land, and he contemplated a reservation of such land in the Lowlands of Kenya, on the understanding that the land offered to Indian settlers would be examined as to its suitability and adequacy by a representative whom the Indian Government might send.

After reviewing the history of this question and taking into consideration the facts that during the last fifteen years European British subjects have been encouraged to develop the Highlands and during that period settlers have taken up land in the Highlands on this understanding, His Majesty's Government have decided that the existing practice must be maintained as regards both initial grants and transfers.

An area of land in the Lowlands which can be set aside without infringing on native reserves and without conflicting with native requirements will be temporarily reserved in order that it may be ascertained by experience what demand there is for agricultural land on the part of Indians who will give suitable guarantees of their intention to develop the land themselves. After the expiration of a limited period, the reservation of this area in the Lowlands will be reconsidered in the light of the experience so gained.

#### IMMIGRATION.

Finally the question of immigration into Kenya has been canvassed both by the Europeans and by the Indians. It is sufficient to say that the line taken has varied with the point of view, and it is not necessary to present the arguments which have been advanced.

It may be stated definitely that only in extreme circumstances could His Majesty's Government contemplate legislation designed to exclude from a British Colony immigrants from any other part of the British Empire. Such racial discrimination in immigration regulations, whether specific or implied, would not be in accord with the general policy of His Majesty's Government, and they cannot countenance the introduction of any such legislation in Kenya.

The existing Immigration Regulations of the Colony are of quite general application. It is clearly as important in the general interests of Kenya to prohibit the entry of undesirable persons from Europe or America as from Asia. There is no reason to suppose that the Regulations in present circumstances are inadequate for this general purpose. But the consideration which must govern immigration policy in Kenya is purely economic, and strict regard must be paid to the interests of the African. When the question is re-examined from this standpoint, it is evident to His Majesty's Government that some further control over immigration in the economic interests of the natives of Kenya is required. The primary duty of the Colonial Government is the advancement of the African, and it is incumbent upon them to protect him from an influx of immigrants from any country that might tend to retard his economic development.

In course of time, as the natives progress intellectually, they will no doubt take the place which Africans hold in other parts of British

Tropical Africa in mechanical and subordinate clerical work and in small trade, and it must be the aim of the British administration to further this development by all possible means. With this object the Colonial Government must weigh, so far as may be practicable, the effect on native interests of the admission to the Colony of would-be immigrants of any race. No information is yet available to show what number of immigrants following a particular occupation the Colony can absorb. The problem is complicated by the position of the separate dependency of Uganda, to which the normal access lies through Mombasa and the Kenya Colony, and this necessitates careful consideration before any scheme is definitely decided upon. Further, some arrangement must be devised for securing a strictly impartial examination of applications for entry into Kenya, possibly by a Board on which the various communities, including the natives, would be represented. It will, therefore, be an instruction to the Governor of Kenya to explore the matter further on his return to the Colony, and, in concert with the Governor of Uganda, to submit proposals to the Secretary of State for the Colonies for giving effect to that amount of control of immigration which the economic interests of the natives of both dependencies require.

#### CONCLUSION.

In conclusion, His Majesty's Government desire to record that the decisions embodied in this memorandum have only been taken after an exhaustive review of the several complicating factors which have led to the present unhappy controversy. Their constant endeavour throughout their deliberations has been to relate the main principles which must govern the administration of a British Colony in Tropical Africa to the wider considerations of general Imperial policy as enunciated in the Resolution of the Imperial Conference of 1921. It is regretted that on certain material points it has not been possible to meet the wishes of the Government of India, whose views have received the fullest consideration from His Majesty's Government at the instance of the Secretary of State for India. It is not to be expected that issues so grave can be composed to the immediate satisfaction of the several interests concerned, but His Majesty's Government believe that the decisions now taken, resting as they do on the broad basis of the British trusteeship for the African, provide an equitable adjustment of those interests. It is the confident expectation of His Majesty's Government that, if the whole matter is viewed in its true perspective, decisions so based will be accorded general acceptance, and it is their earnest hope that a sincere effort will be made to restore in Kenya that spirit of co-operation and good-will so essential to its welfare and development.

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## The Government of India Resolution

A *Gazette of India Extraordinary* issued on 18th August containing the views of the Government of India on the White Paper published by His Majesty's Government on the Indian question in Kenya Colony. The resolution states:—

On the 13th August, 1923, the Government of India received from His Majesty's Secretary of State for India a memorandum in the form of a White Paper summarising the history of the Indian question in the Kenya Colony and Protectorate and setting out the general policy laid down by His Majesty's Government together with the decision taken on the practical points at issue. This memorandum was presented to Parliament by command of His Majesty on the 23rd July, 1923. In view of the importance of the issues involved and the interest taken in India in their determination, the Government of India have thought it desirable to give publicity to the memorandum with the least possible delay. They therefore, publish it as an annexure to this Resolution.

### LORD MILNER'S DESPATCH.

A perusal of the memorandum will show, that the provisional decision embodied in Lord Milner's despatch of the 21st May, 1920, was unacceptable to the Government of India. The Government of India felt that it erred by not granting to Indians due and effective representation on the Legislative and Municipal Councils by insisting upon the application of the principle of segregation of races and by putting restrictions on the Indian ownership of land. They objected, in particular, to the special franchise proposed, and pressed for a common electoral roll and a common franchise for all British subjects without racial discrimination on a reasonable property basis plus an educational test with regard to segregation, then a real menace on account of the report of Professor (now Sir William) Simpson, referred to in paragraph 5 of the memorandum. They urged especially that any form of compulsory segregation was felt by Indians, whether resident in East Africa or India, as a racial stigma and that any discriminative legislation on racial lines in this matter would stimulate hostility and ill-feeling. The Government of India also stressed the fact that they could never agree to the unequal treatment of Indians in a Crown Colony, more especially in one in which Indians had always had a peculiar interest.

### WOOD-WINTERTON REPORT.

On receipt of the views of the Government of India, His Majesty's Government reopened the question and the prolonged negotiations referred to in the memorandum took place. These ended in what has come to be known as the Wood-Winterton report. The terms of the settlement proposed in this report were far more favourable to the Indian claim than those contained in Lord Milner's despatch. In particular, they conceded a common electoral roll subject to certain restrictions designed to secure distribution of seats adapted to the then existing conditions between the European and the Indian communities whilst they did away with segregation on racial lines. In other respects also, with the exception of Highlands, they were framed in a liberal spirit. The Government of India accepted the proposals with regard to municipal franchise, the Executive Council, segregation and immigration, as the best obtainable in the circumstances. But on

the question of electoral franchise, they adhered to the view they had previously expressed. If reservation was considered unavoidable, they preferred the second alternative proposed, under which some constituencies would be created in which Europeans and Indians would be eligible as candidates. But they urged, that the number of seats reserved for Indians should be increased. On the question of the Highlands, they agreed to the proposals only on the understanding that no further advantages were likely to be forthcoming from the maintenance of their claim to an immediate cancellation of the existing policy in this matter. They also asked that the announcement should make it clear that the right to re-open the question was reserved unconditionally, and stipulated that the exclusion of Indians should not, in any case, be embodied in legislation. As noted in the memorandum, the India Office made a reservation with respect to the Highlands; whilst the Colonial Office on its part, made a similar reservation in the matter of the restriction of Indian immigration. The Kenya Government unfortunately took a view different from that taken by the Government of India, and rejected the scheme mainly on the grounds that it gave no sufficient safeguard to the European community against Indian preponderance in the future. The European community itself went even further and claimed for the Colony responsible Self-government, with Europeans as the controllers of its destiny. In paragraph 16 of the Memorandum are set out the steps which were taken to arrive at an agreed settlement in the anxious period which elapsed subsequent to the preparation of the "Wood-Winterton report" in September 1922.

#### NEGOTIATIONS. FAIL.

By July 1923, the negotiations for such a settlement had failed, and it became necessary to pass orders to end the dispute. The provisional proposals of the Colonial Office on the subject were telegraphed to the Government of India to admit of a final representation being made before the actual decision of His Majesty's Government was taken. They were on the lines of the decision which has now been announced. The Government of India accepted the principle that Kenya should be held in trust on behalf of the African population. They welcomed also the intended pronouncement that the grant of responsible Government within any period of time, which needed be taken into consideration, was out of the question and the assertion of the principle that only in extreme circumstances would legislation designed to excluded from a British Colony immigrants from any other part of the British Empire be permitted. They noted also with satisfaction the final abandonment of any idea of compulsory racial segregation. At the same time they felt it to be their duty to stand by the attitude they had previously adopted, regarding the Wood-Winterton report in respect of a common electoral roll. They urged that such a franchise with the provision of reserved seats was not incompatible with African representation in due season and with Arab representation forthwith and that there was no prospect of composing racial difference and tension in Kenya, unless and until Europeans and Indians exercised their voting powers on a common basis. They pointed out that the Indians in Kenya preferred a common electoral roll, and that the Government of India could not derogate in any way from the claim that they had always made that Indians in a Crown Colony must be accorded equal status with Europeans. They also pressed for larger representation for

Indians. They, again, asked that the right to reopen the question of the Highlands be asserted and that the exclusion of Indians from the Highlands should not be embodied in legislation with regard to immigration. They pointed out that whilst the statement of the principle was not open to objection, there was no evidence to show that any economic reasons existed for its application in the form of a restrictive measure at the present juncture; and they expressed the fear that by its application Indians would be made to suffer on the question of the municipal franchise. They adhered to their previous views in favour of a common electoral roll and a common franchise. Finally, the Government of India asked that in any announcement made their position might be made clear. The decision now announced has conceded five instead of four seats on the Legislative Council to Indians. It contains also the offer of land in the Lowlands for such Indians as will develop it themselves. In other respects no change of substance has been made in the provisional proposals.

#### THE SETTLEMENT APPRAISED.

The Government of India have now to consider the position. They recognise to the full the fairness with which they have been heard and the obvious desire on the part of His Majesty's Government to give full weight to the Indian point of view and to arrive at a just and equitable conclusion. They appreciate also the readiness with which their request to have their attitude made clear has been met. They feel also that the decision itself marks an advance on that contemplated in 1920, though it falls short, from the Indian stand-point, of that set out in the Wood-Winterton Report of 1922. In particular, they take note that no final conclusion on the question of the future control of immigration has been reached, and that the exclusion of Indians from the Highlands has not been embodied in legislation. At the same time, they cannot but record their deep regret that His Majesty's Government did not feel justified in giving greater effect to the recommendations made by them and the Secretary of State for India.

#### WHAT IS TO BE DONE?

They are conscious, however, that they are under obligation to accept the decision of His Majesty's Government, and that His Majesty's Government cannot now be asked to reconsider and revise a decision just reached after a protracted deliberation. Nevertheless, they must reserve to themselves the liberty of making such representations as may be necessary, whenever in future a legitimate opportunity should present itself either as a result of the experience gained or by change of has now to be taken by the authorities concerned, particularly in connection with the preparation of the electoral roll for Indian voters and the qualification of candidates, and the case of the Nairobi Municipality with the representation of the important Indian community there resident.

#### QUESTION OF IMMIGRATION.

Rules in which India is specially interested have also to be formulated regarding immigration. In this case, as in other cases which may arise hereafter out of the decision, it will be the duty of the Government of India to make such representations and to offer such advice to His Majesty's Government as they may consider necessary to safeguard the interests of India. In the performance

of this duty, particularly in the matter of immigration, the Government of India will rely on the statement of policy contained in the memorandum that racial distinction in immigration regulations, whether special or implied, designed to exclude from a British Colony immigrants from any other part of the British Empire, would not be in accord with the general policy of His Majesty's Government, and that His Majesty's Government cannot countenance the introduction of any such legislation into Kenya.

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## Kenya Debates in Parliament

*HOUSE OF LORDS—26 JULY 1923.*

In the House of Lords the Duke of DEVONSHIRE, dealing with the Kenya settlement, said that the Government did not regard the solution as a compromise. They did not seek to balance one claim against another, but steadily retained the view that the one guiding principle was the British trusteeship in Africa. He could only hope that the solution, if accepted, would mean the opening of a brighter, happier era for the colony. It was a matter of very genuine regret that the Government had not been able to meet the wishes of the Government of India on several material points, and he trusted that in the solution propounded, some of their fears and apprehensions would be relieved. He expressed appreciation of the moderation displayed both by European and Indian deputations from Kenya.

Lord HARDINGE said that although the decision regarding communal representation might be disappointing to many moderate Indians, he did not see how they could reasonably claim in a British protectorate under the direct administration of the Colonial Office a system of franchise they did not enjoy in their own country. He was of opinion that Indians had a legitimate grievance regarding the Highlands in that they were denied the privileges granted to aliens.

Lord CHELMSFORD sincerely trusted that the proposals making reference to immigration would be watched most carefully, because their might be a suspicion in India that the most admirable sentiments expressed in the memorandum might be whittled down by administrative action.

Lord PEEL observed that a quantity of legendary matter had become associated with the Kenya question. The theory that Europeans would be overwhelmed by masses of Indian immigrants was entirely mythical. All recognised the extraordinary difficulty of dealing with conditions so as to please everybody. It was only fair to say that the Government of India had shown a very vivid consciousness of Indian interests and had been most active in representing the question in all its aspects to the Imperial Government.

"This question of the treatment of Indians," said Lord Peel, "must be regarded in the light of the great place as equal partner amongst the Dominions of the Empire." Nobody could regard the communal system as a badge of inferiority. It was merely another method. A communal roll possessed two advantages, firstly the growing system of African representation might fit more easily into it, and

secondly, with the strong division of opinion in Kenya it would be difficult for one race to represent very strongly the interests of the other. He considered that when Indians and Indian opinion had carefully studied and weighed the declarations, it would be impossible to maintain what was the first impression of some Indian newspapers. He hoped sincerely that both races in Kenya would do their best to work under the new constitution and that it would be recognised that the Imperial Government had not dealt unfairly with a most difficult question.

Lord Peel said: "Obviously Indians from India would like other people to enter the country for economic reasons in order to get a living, and if they could not get a living in the country they would return to India and see if they could not do better in their own country."

Lord Peel averted that everybody would recognise the extraordinary difficulty of dealing in such a way as to please everybody with the conditions in Kenya where there were 10,000 white men, 2,500,000 Africans, 22,000 Indians and 32,000 Arabs. The Government of India has shown a most vivid consciousness of the interests of India and had been most active in the present case of India in all its bearing, and all its different aspects to His Majesty's Government through himself.

"I want to emphasise," declared Lord Peel, "if I may, what has been said by Lord Chelmsford, for I expressed it very strongly to a large committee of the House of Commons whom I addressed on the subject. It has been said by one of the settlers of Kenya that this was only a question which interested some friends of Mr. Gandhi and some of the extremists of India: I said, 'If that were so I should not be here to address this committee of the House of Commons.'"

The interest in the question was universal in all political India, as shown repeatedly by the great organs of political expression in India and by the Assembly and the Council of State.

#### INDIAN POINT OF VIEW.

Lord Peel went on to say: "We have had the advantage also of having the whole case vividly presented to us from the Indian point of view by a deputation that came from India entirely unofficially, in the person of Mr. Sastri, Mr. Jamnadas Dwarkadas and Mr. Kamat. The treatment of Indians must be looked upon in the light of the real ambition of political India to earn a place as an equal partner among the Dominions of the British Empire, and to share the ambitions, historical traditions and splendour of the Empire."

Lord Peel stated that the Kenya Indians were deeply interested in the corollaries of the Kenya decision. Lord Hardinge had allowed the resolution in 1921, but the Indian deputation relied less on that resolution than on the broad and general equities of the case. Lord Peel regretted that the settlement was denounced by many Indian papers as being unfair to Indians on every point and advised them to await and study the full text of the memorandum, saying that when they had studied it they would see that that description was unfair.

Lord Selbourne had made so eloquent and earnest a defence of the communal system that Lord Peel thought that he, as chairman of the joint committee, must have been its author. But, although

the communal system in many ways had prevailed in India, there was a strong feeling against it in the Assembly and the Council of State.

Lord Peel mentioned that Lord Selbourne had said that the communal system was an Indian invention, but Indians did not appear to be proud to own their offspring. Indians said: we do not look upon it as a great invention. We think where it can be avoided it should be avoided. We prefer the common roll.

Lord Peel agreed with Lord Selbourne that nobody could say that the communal system had any badge of inferiority. Lord Peel said: "It is another method of arriving at the same basis. I differ from Lord Selbourne in this, that I do think that in the peculiar circumstances of the colony it might have been better to have representatives who represented both Britons and Indians; that mingling of interests would have been of the greatest value. But I recognise that there are advantages in this communal roll in two ways. One is that the great system of African representation might fit more easily into it, and second is that in the present strong division of opinion in Kenya, it would be difficult for one race to represent the interests of the other."

#### THE HIGHLANDS.

"May I express sympathy with one point alluded to by Lord Hardinge, in which I feel there is much force; that here are Indians prevented from acquiring lands in the Highlands, assuming it to be important that the Highlands should be reserved for white settlers, while that privilege may be enjoyed by citizens of other States who are not citizens of the British Empire. I hope it will be possible to reserve the transfer of land to European British subjects, or to subjects of the British Empire."

Lord Peel declared that it was entirely untrue to say, as the Indian papers suggested, that the scales were weighed against them in these decisions. Though they might be critical of some portions of the memorandum, they agreed on the subject of the orientation of the British policy in protection of African races.

Lord Peel pointed out that Lord Chelmsford had told the House that there had never been any difference of opinion in India on that subject. Lord Peel added: "I may bring information up-to date, I should say that both the deputations, especially the Indian deputation strongly assented and felt that the first consideration in Kenya must be the 2,500,000 Africans. The deputations felt that the great thing to secure should be a majority of British officials in whose justice they could trust upon the Assembly. They assured me repeatedly, and it is my belief that it will never be contradicted or shaken, that whatever their feelings regarding local administration, they had the fullest confidence in the justice of the Central Government of the country."

#### RESPONSIBLE SELF-GOVERNMENT.

The declaration that a grant of responsible self-government is out of the question within any period of time, which need now be taken into consideration, is very satisfactory. In the light of that declaration, whatever differences of opinion there may be about franchise and votes, will have less importance. If they are not to be considered in the light of responsible government or leading up to responsible government, they lose their weight and importance.



Lord Peel continued :—

The question of segregation has been satisfactorily dealt with. I take note and it is one of the most important declarations in the White Paper to which I desire to draw the particular attention of my Indian friends, that racial discrimination in immigration regulations, whether specified or implied, would not be in accord with the general policy of His Majesty's Government. In the light of that declaration it will be impossible for intelligent Indian opinion, when it has carefully studied the White Paper, to maintain its first apparent impression that this memorandum weighs the scales unfairly against Indians. They will find there is much of value in it, and that both races in the Kenya Colony will be able to work under this constitution.

The representative bodies of the Council of State and Assembly of India will recognise that British Government have not dealt unfairly with this most difficult question.

#### HOUSE OF LORDS—25TH JULY 1923

The Kenya question was raised in the House of Commons in the Debate of the Colonial Office Estimate on 25th July 1923.

Major ORMSBY-GORE dealing with the Kenya Indian question, said that the less he added to the carefully considered wording of the White Paper the better. He emphasised that the decision was not a departmental one but a decision of the whole Government taken by the Cabinet. It must not be regarded merely as a compromise between the views of rival delegations. A settlement between the delegations was clearly found to be out of the question. The Government decided that they must accept full responsibility to Parliament for giving their decision, promulgating it and standing by it. If it had been merely a local question there was little doubt that the matter could have been adjusted locally long ago, but the difficulties in Kenya affected the whole of the British Commonwealth and, to a considerable extent, Africa as a whole. The British Commonwealth was based on a common loyalty to the Crown and a common spirit of service transcending all narrow racial ideas. He emphasised the peril of racial clashes and said that if there was one duty that the British Empire owed to civilisation it was the task of reconciling such dangerous forces. In Kenya there were Europeans, Africans, Indians and Arabs living together. The Imperial Government felt that the only thing that could be said was that it was the common duty of all to subordinate their narrower conceptions of racial consciousness to the higher ideal of working together for the Colony and the Commonwealth. It was in this spirit and in this hope that the Imperial Government which was responsible to Parliament alone for the peace and good government of Kenya had submitted their decision. It would be for the Colonial Office and the Colonial Government to carry out in a detailed manner the policy laid down in the memorandum.

The Imperial Government, he reiterated, were trustees of the African dependencies, of which Kenya was one. It was their duty to do justice between the various interests, remembering above all that they were trustees of the African populations. Their administration of this trust must stand eventually before the judgment seat of history and on that they would be judged as an Empire. He regretted that on certain material points it was not found possible to meet the wishes of the Government of India, whose views as a whole the Government had very fully considered at the instance of the Secretary of State for India, who submitted them quite fearlessly and clearly.

Sir Robert HAMILTON, formerly Chief Justice of Kenya, strongly criticised Cabinet decision, upholding throughout the Indian view-point. He asked for guarantees that in framing immigration rules there should be nothing specially

affecting Indians. He further remarked that no mention had been made through-out the White Paper of the principle of equal citizenship.

Sir Robert Hamilton moved a reduction of the vote by £100 sterling and said that the test of Kenya settlement was whether it was permanent or merely a stop-gap. With reference to the suggestion that the Europeans were afraid of being swamped by Indians, he pointed out that since 1897, although immigration was open, the number of Indians had increased only thrice, whereas in the same period the number of Europeans had increased 23 fold! He hoped that the Government's statement concerning the trusteeship of the natives would be translated into acts. He expressed the opinion that the grant of communal franchise would not lead to a lasting settlement. He strongly criticised the extraordinary suggestion that one missionary should be placed on the Executive Council and another on the Legislative Council and asked if the Government was so incompetent that it could have no representative of its own to represent the natives. He submitted that the power of the British Government would be much strengthened if it had a High Commissioner not merely for Kenya but for the neighbouring colonies also.

Col. WEDGWOOD, speaking officially on behalf of the Labour Party on the authority of the Leader of the Party, denounced indignantly every feature of the decision which, he declared dramatically, had been reached through fear of the White settlers. His denunciation was listened to in silence without protest. He declared that the Government's policy was directly in conflict with the principle of equal citizenship and the Imperial Conference resolution and the settlement was unlasting. The policy involved the gravest step taken since Lord North's time and was fraught with incalculable harm throughout the coloured Empire. Finally, he declared that the Labour Party would, when returned to power, so far as possible, revise what was now done, with a view to render justice to an outraged people who were relegated to a position of C 3 citizenship.

Both Sir Robert Hamilton and Col. Wedgwood recommended that Indians should make the best use of the enfranchisement even under this bad settlement, Col. Wedgwood recommending that the Indians of Kenya should leave the defence of their rights to their countrymen in India.

After further debate the motion for reduction was defeated by 207 votes to 186 and the Colonial Office vote was adopted.

## The Imperial Conference.

The Imperial Conference opened on Monday 1st Oct. 1923 with an address by Mr. Baldwin, the British Prime Minister. In his address the Prime Minister made a graceful, if unsatisfying, reference to India, bespeaking for her the sympathetic understanding of the Dominions. The Maharaja of Alwar replied with amiable platitudes on behalf of India. On the 13th the Duke of Devonshire disclosed the Colonial Office policy. On the subject of Kenya he said that the British Government had taken certain decisions which had been made public. After the Colonial Secretary's speech Sir Tej Bahadur Sapru demanded an adequate opportunity, then or on a more convenient occasion, to state the Indian point of view. This was conceded and the Indian case was opened on the 24th October by the Sec. of State, Lord Peel. The following pages give a full report of the proceedings :—

## LORD PEEL'S SPEECH.

Lord PEEL, introducing the subject of the status of Indians in the Empire, thanked the Premier and the Conference for giving the Members of the Indian Delegation an opportunity of bringing the question of the position and status of Indians in the Dominions before them. "I think you will all recognise that this subject is one of the very high Imperial importance, and I hope that, in approaching this subject, I speak in a general atmosphere of goodwill. Now, at the outset of my observations, let me say that I wish to deal with the broad outlines of the subject, because my colleague, Sir Tej Bahadur Sapru, has some definite suggestions to make when he follows me. I propose to deal with this subject not so much as it affects any Dominion or any Colony, but in a most general way. I want to show that if the unity and strength of the Empire are to be maintained and preserved, it is really essential and imperative that we should find a solution to this problem of the position of Indians in the Dominions overseas.

"There have been, as the Conference knows, very great constitutional changes in the position of the Government of India, and these changes have brought into prominence what were possibly latent before, but are now clear, namely, the existence of various Parties with various opinions and policies. But, however much those Parties may be divided in their view-points on general political subjects, on this one point there is complete unity of feeling. For instance, there is no difference as regards the strength of this feeling between the Party which has been giving general support to the Government in the Assembly, and the various sections of what I may call Non-Co-operative Parties.

When I speak of Indian opinion, I am not referring, as is often suggested, to what is described as the opinion of the intelligentsia only, of a definite intellectual class, but I am also stating the views of the great many who are not really necessarily concerned with politics at all. Let me pass from them for the moment. You have the opinions, we will say, of Indian Princes, whose views will be given expression to-day by His Highness the Maharajah of Alwar. You have other men, like my other colleague, Sir Tej Bahadur Sapru, who, as we all know, was a Member of the Viceroy's Executive Council, and who holds a very high place in Indian public affairs. Therefore, you have this singular fact, that politicians differing widely on all other subjects, and men of differing shades of thought, are generally united on this particular subject. You have staunch supporters of our rule in India combining on this subject with extreme types of politicians. You have businessmen and landowners combining with men of a very different class and point of view. I certainly do not exaggerate when I say that this subject, more than any other, I think, is constantly impressed upon me both officially and personally by the Government of India and by Lord Reading. The Viceroy, in his private letters, is constantly explaining and impressing upon me how strongly the feeling of soreness and bitterness is growing on this subject, and how, in many ways, the task of wisely governing India is made more difficult by this divergence of feeling. Therefore, I want to place this first point before the Conference, the remarkable unanimity of feeling on the position of Indians in the Dominions, but I do not think that when you come to ask the cause, it will be very far to seek.

**"BRAND OF SOCIAL INFERIORITY."**

"The reason why there is such unanimity among our fellow-subjects in India is that they regard the disability under which their countrymen labor in other parts of the world as a brand of social inferiority. That is what cuts so deep into the consciousness of the Indian. I am not, necessarily, of course, associating myself entirely with that view, because I know quite well that there are other causes contributing, that there are questions of economic difficulty, and political questions with which this question must necessarily be linked, but I have no doubt whatever that in what I am saying now, I do voice the general opinion of Indians on this question, that social status is a contributory cause in history. Many social and political movements have been disguised under more resounding names.

"Well, let me say a word about this great country feeling so strongly and so unitedly on the subject. First of all, look at its contribution to the Great War. No less than fourteen hundred thousand from India took their part in service in the Great War. Their contribution in money was well over two hundred millions sterling. We all remember the general enthusiasm from all parts of India, and how Princes, and others less distinguished too, took their part in the struggle of the Great War—and here, if I may say so, there are installed at this very table representatives of the Indian Delegation, showing that India is sitting here on equal terms with other Dominions in the great Council Chamber of the Empire.

"And again, on the League of Nations, Representatives of India take their place with other States, and are able to contribute their voice with influence, just as much as others, in the deliberations of that Assembly. Moreover, and I do not think that this is always recognised, India, though it has been for centuries, for thousands of years, a great agricultural country, is now ambitious to become an industrial State. It has gone far along that road, because it has been accepted by the League of Nations as one of the eight greatest industrial States of the world. Now, India, as the Conference knows, recently received a new political Constitution, and that Constitution, while giving Indians far more power than they had before in the administration of India, has also given them a great outlet for utterance of their National sentiments.

"Now, what is the position in India itself? There is the policy of co-operation between Britons and Indians. Britons and Indians co-operate together in the Government of India, and Britons and Indians sit together on juries. They meet together in business, and they are fellow directors of great companies. They serve together on the Viceroy's Council. Many of them, of course, are Ministers in great Provinces, and those Ministers command the assistance of members of the All-India Services, whether British or Indian. Now, what must be the contrast, in the minds of these men, when they look abroad, and see what their standard or status is in the States of the Empire? Members of this Conference, with their great experience of the cumulative effect of these institutions, and the position which India now occupies here and in the League of Nations, will realise how much all these changes have contributed towards the growing self-consciousness and the sense of dignity of India. Now, I want to say this, and in the plainest way I can, that if I thought, and if my colleagues thought, that this desire for equality of treatment was inspired in any sense by the desire not to be part of, or

take part in, this great Empire, neither my colleagues nor I would be pleading the cause at this table. It is indeed the desire and ambition of Indians (I will exclude the negligible class of extremists, who can be found, I suppose, in any country), to share in the splendors, glories, and traditions of the British Empire. They believe, moreover, that they can bring their own contribution of thought, culture, and loyalty to this great combine.

There are those who suggest that these disabilities under which Indians labor in some parts of the Empire are of little importance, that they do not interfere with their liberty, and that the denial of the vote does not very much matter one way or the other. Now, these views are, as one knows, a common form of objection put forward either here or in any other country to franchise extensions and franchise grants. But, though the question has importance from the purely material point of view, I should be very ill-discharging my duty to this Conference if I were to represent this matter as one to be regarded merely from the practical point of view. It is very largely, with Indians, a matter of National sentiment and feeling, and it is with this feeling that we have to reckon now in all situations of Imperial activity. In matters of Imperial defence, in matters of Imperial trade, in matters of all Imperial communications or development of Imperial resources, in all these, India plays a prominent part, and as we have granted a large measure of representative institutions, it is quite clear that in dealing with these matters, we cannot disregard the opinions of representative bodies which we set up. And supposing that they could be disregarded, how, after all, are you going to expect India to co-operate whole-heartedly in the great work of consolidating the Empire, and how, without this co-operation, can the Empire attain its full measure of strength? We know too, that economic policy is very often influenced by political considerations, and I feel that both on the political and the economic side, the task of governing India may be greatly increased, and there will be, unless we settle this question, no real unity of Empire, not merely on the material side, on which I am not laying so much stress to-day, but on what is so vastly more important, the moral side. Moreover, the scope of this problem as regards many Dominions is not very great. For the moment, I am excluding from that general proposition, South Africa, where, I know, there are a great many currents and cross-currents to complicate the issue.

#### RESOLUTION OF 1921.

But as regards Australia and New Zealand, where so much has been done, and as regards Canada, the numbers are very small. There are about two thousand in Australia, in all that vast country, about six thousand in New Zealand, and about twelve hundred in Canada, of which rather more than eleven hundred are in the Province of British Columbia.

I want to reaffirm what was stated at the Conference of 1921 as regards the complete acceptance by the Government of India and Indian opinion of the right of the great Dominions to determine the composition of their own community. May I read the words of that resolution? They are: "This Conference, while reaffirming the resolution of the Imperial War Conference of 1918, that each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of restriction of immigration from any other communities, recognises that there is incon-

gruity between the position of India as a Member of the British Empire, and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire." Therefore, that principle is laid down quite clearly, and consequently, there need be no anxiety on the part of the Dominions that there is any desire on the part of Indian feeling to go back on that decision, thus impressing this matter upon the generous consideration of non-Indians. I feel that vast as are the implications of the problems, a solution of the practical question is perhaps not so difficult as it appears. Well, justice and expediency are often divided. Sometimes they approach one another, and when, as I think, in this case, they combine and are merged with one another, the appeal is surely irresistible, and I am going to ask this Conference if the time has not come when these disabilities should not specifically be removed. I want to add this point about the interest, possibly some may think it an unnecessary interest, which the Government and the Indian people take in the position of Indians in the great Dominions.

Now, so long as, to any great extent, Indians in the Dominions may be regarded as a foreign body in the great body politic of those Dominions, so long is the Government of India bound to take interest in their fate, and to assure themselves as regards the manner in which they are treated. But once they are absorbed, they cease to be a foreign body; once they are absorbed into the great corporation, as it were, of the Dominions, then the interest of the Indian Government, of course, will cease, and there is nothing that anybody connected with it, there is nothing that the Secretary of State disliked more than interfering or appearing to interfere with the domestic affairs of the great Dominions. Now, I am not insensible, of course, to the grave difficulties which stand in the way. I know how very difficult it is to bring home always to local opinion that local views and opinions are not necessarily coincident with the wider interests of the Empire; and I know quite well that those who are listening to me as representatives of the Dominions, whatever they may or may not have done, desire that a solution of this question should be found; and I most earnestly plead that when, later in this Conference, they take into consideration the practical measures which they may adopt for the solution of these questions, they will bear in mind the intense feeling that has been aroused on this subject in India, and will bring home to their own peoples that, in the highest interests of the Empire, the aspirations of India should be respected. I know there are great difficulties. The Prime Minister, in his opening address, spoke of the contacts of civilisations. There are such contacts, of course, here, of more than one civilisation, and you have peoples differing in tradition and social habits, fashioned in the course of centuries, of thousands of years, I may say, fashioned by differences of National surroundings and by differences, secular and religious.

To-night, we have to deal—and we should never forget when dealing with India—that we have to deal with ancient races, full of the pride of race. We have to deal with ancient religions, full of the pride of religion. That is, of course, one of the great differences we have to remember, in dealing with the position of India as compared with the countries further west. There are, for instance, seventy million Muslims in India; but in communion with them, through religious ties and rites, is the vastly greater body of hundreds of millions of Muslims, stretching in a great belt from the Gulf of Malaya right across to West Africa, hundreds of millions of Mus-

lims, who, in their hour of worship, all turn their faces to Mecca. We have the pride of the Hindus in their own history, in their recollections of their past. They look back to, shall we say—to the Mauryan Empire, to memories of Chandra Gupta and his famous grandson King Asoka. Their memories stretch to even earlier times when, scarcely noticed by history, their Aryan ancestors were moving down from the North-West Frontier by the traditional path for the invasion of India, along the plains of the Five Rivers, now called the Panjab. They look back to the dim, far-off times, to dates long before the Jutes, Anglo-Saxons and Norsemen, the original elements of whom our races is composed, landed on these shores; when it was a mere collection of villages, before the Roman Legions were garrisoned behind the great wall which used to run from sea to sea in the north of Britain. They look back to a period even before the Druids reared gigantic monoliths of the stone age. I press this subject on this Conference, and I hope that, with the consent of the Prime Minister, they will listen to Sir Tej Bahadur Sapru, while he deals with the subject in greater detail.

### SIR TEJ BAHADUR SAPRU.

Sir TEJ BAHADUR SAPRU said: Mr. Prime Minister, let me at once say how deeply grateful I feel to you and to His Majesty's Government, and may I thank you and His Majesty's Government and the various Prime Ministers for giving me this opportunity of free and full discussion of the question in which India is to-day so vitally interested. I fear I may take some time, but I shall crave your indulgence for more reasons than one. The most important of those reasons is the importance of the subject. I am glad that His Majesty's Government has decided to set apart a special day for this subject. That being so, am I not entitled to draw from it the inference that His Majesty's Government really recognises the importance of this question? When it is known in my country that His Majesty's Government recognises the importance of this subject, and that the recognition is shared by the various Dominion Prime Ministers, that fact alone will inspire them with some hopes. Before I proceed further, may I also express my deep gratitude to Lord Peel for the assistance he has given me in helping to bring this subject before the Conference, and for the speech, which he delivered to-day, which filled me with gratification, and which, I have no doubt, when it comes to be known to my countrymen, will fill them also with gratification? He has identified himself to-day completely and unreservedly with every sentiment of our National honor. That is what I appreciate more than the moving eloquence with which he delivered his great speech this morning. I may well produce in some quarters the impression of being a fighter. I don't object to criticism of that kind. Really and truly, I am fighting for the cause of my country, and the Premiers of the various Dominions, who have in their day fought for the cause of their countries, will not object if I fight for the cause of mine, and I do fight.

Let me tell you frankly, as a subject of King George, that I fight for a place in his household, and I will not be content with a place in his stable. Mr. Prime Minister, let me tell you that the problem of Indians Overseas is of vital importance not merely to India, but to the whole Empire. Whatever may be our position as

regards Self-Government, howsoever distant we may be from that cherished dream of ours, let me tell you that, so far as this question of Indians Overseas is concerned, we stand solidly united. We have our domestic quarrels. We have Moderates and Extremists, we have Non-Co-operators, we have Hindus and Muhammadans, but so far as this question is concerned, let me tell you with all the sincerity of which I am capable, that we stand absolutely united. Don't be misguided by what appears in certain papers here, which attempt to show that there is no feeling on this question. We attach far more importance to the honor of our Nationals in other parts of the Empire than probably you realise. We express that feeling in the vernaculars of our country by a comprehensive and delicate phrase, which will no doubt be readily understood by Lord Curzon and His Highness the Maharaja. That phrase is "izzat." There is no man, either among Princes or the humblest subjects of His Majesty, who does not attach great importance to a question of "izzat." When "izzat," which means honor, is at stake, we prefer death to anything else. This is our sentiment, and it is in that light that I present my case to you. Don't forget that my country, India, is the one country which makes the British Empire truly Imperial. I take pride in that. I don't indulge in the slightest degree in reflections upon the dignity, or honor, or position, of any one of the Dominions, but I do claim that it is my country which makes the British Empire truly Imperial. One-fifth of the human race, with a far more ancient civilisation than your own, to which eloquent reference was made by Lord Peel, joins with you in acknowledging the suzerainty of our common Throne. That allegiance with us is a real living thing. Shake that allegiance, and you shake the foundations of the entire fabric, with consequences which it will be difficult to over-estimate.

Might I explain to you here one consideration which will guide me in presenting my case? In my humble judgment, the one function of this Conference, the highest advisory body of the Empire, is to bring about a good understanding between the various units that constitute the British Commonwealth, to strengthen the ties which unite, or ought to unite, the different units of the Empire with their outlook and their different religions. If this Conference fails to achieve that end, then, let me say, it fails to justify its existence in the eyes of the Empire. But to achieve that end, it seems to me that it is absolutely necessary that we should open our minds to each other with entire frankness. Any mental reservation on an occasion like this, and round this table, would, in my humble judgment, amount to nothing short of treason against the King, and treason against the Empire. It is in that spirit of frankness, and in that spirit of candor, that I venture to present to you my case, and even though I may use now and again expressions to indicate the strength of my feeling and the feeling of my countrymen, I beg the Dominion Prime Ministers not to misunderstand my spirit. Let me tell you at once that the feeling on this question in India is deep-seated and widespread. Let me also remove one very wrong impression—and I am glad that Lord Peel referred to this question, for I desire to reinforce his arguments as an Indian. For twenty-seven years I have been in public life, for thirteen years I have been connected with the Legislative Councils, and I have sat in the Viceroy's Cabinet. I have never witnessed before what is happening in India to-day. Five years ago, it may have been possible for you to say that a wide gulf divided



the masses from the classes. Let me now tell you this morning that the classes lead the masses as they never did before.

India has rapidly changed, and that is the outstanding feature of the situation there. The intellectuals or, if you like to call them, the agitators, have gained ascendancy over the masses. What intellectuals think to-day, the masses will think to-morrow. This question now before us, let me tell you, affects directly the masses, for it is from the masses mainly that most of our population have gone to the Dominions. I belong to a Province which has supplied a considerable number of men to various Dominions, and I know their feelings. You may condemn agitators, you may condemn the intellectual classes: I will not quarrel with that; but remember that they have got power now with the masses. Don't forget the growing and increasing influence of the vernacular press. I don't justify or vindicate its attitude in every respect. I will, however, state facts. It now penetrates into the innermost recesses of our villages; every village has got a reader who reads for illiterate people the vernacular newspapers. I have been reading extracts from the vernacular press of my own country, and while I deprecate the wild language in which it indulges, let me tell you frankly that it is seething with indignation on this question, and that is affecting the whole outlook of my countrymen in the villages. Any inequality of Indian Nationals enters like iron into our souls. For heaven's sake, whether you find a solution or do not find a solution, don't dismiss this statement of mine as mere sentimental nonsense. It is the absolute fact, and I am here to interpret to you the present position of my countrymen as regards this question. It cuts to the quick our National pride, and our new National consciousness. It permeates and sours our whole outlook as regards Imperial relationship. It derives impetus from the natural inclination to take pride in being a member of the biggest Commonwealth that the world knows to-day. It makes the task of the Government of India, of which I had the honor of being a Member until a few months ago, infinitely more difficult than you realise, in dealing with their domestic problems.

Here I must reinforce the arguments of Lord Peel. This feeling runs right through our National life. Let me at once tell you that I am unwilling to enter at length into the merits of the Kenya decision, but my countrymen expect me, my Government expects me, and I am bound by all considerations of honor and duty, to put you in full possession of the sentiments of my countrymen and my Government, as regards your decision. They have received that decision with the utmost possible dismay. I know the official view is that in certain respects our position in Kenya has been improved. That is not a view we share. We judge you by a standard which is admittedly very high. We were not fighting for little things. We were fighting for a big principle. I know, and I feel, and my countrymen feel, and my Government feels, that a serious blunder has been made. I know that British statesmanship is wise, and whenever a thing goes wrong, it begins to think, and I honestly believe that it will soon recognise the mistake which it has made. Let me tell you, on behalf of my countrymen, that neither my country nor the Government, which I have the honor to represent, will accept this decision as final. Indeed, there is nothing final in politics, and I want His Majesty's Government to recognise that position, and indicate, if possible, that they do look upon this question in the light in which I have just pre-

sented it. May I conclude this portion of my speech by assuring the Conference that while on domestic questions of Indian politics, we, like most of you, have our differences of parties, groups and interests, yet upon the question which concerns the honor of our Nationals in Kenya and the honor of our Nationals Overseas, there is no difference between us, from the Viceroy downwards? May I remind you of what a distinguished and eminent statesman, with whom I had the privilege of working in close co-operation for two years, and to whom I hope my countrymen and his countrymen will do justice some day, said on a critical occasion in the Legislative Assembly, when the announcement on the Kenya decision was published in India? I will quote from his speech: "The news of the decision regarding Kenya" so said Lord Reading, "came to me and to my Government no less than to you, as a great and severe disappointment. For, India had made the cause of Indians in Kenya her own. As His Majesty's Government has stated, this decision conflicts on material points with the strongly expressed views of my Government, as laid before the Cabinet by the Secretary of State for India." That is the opinion of the Viceroy.

#### MESSAGES FROM INDIA.

May I crave your indulgence for two minutes, to read to you a few typical telegrams I have received in the last few days, some of them from absolutely unexpected quarters? They come to me from representative bodies of all shades of opinion. The Rt. Hon. V. S. Srinivasa Sastri, who has been so frequently, in the last few years, connected with this matter, sends me a telegram supporting the proposals, not without misgivings, which I am going to put before you at present. The Swarajya Party, to which I do not belong, and which does not see eye to eye with me, and from which I should never have expected to receive support, sends this telegram from Poona, through its Secretary and Leader, Mr. Kelkar. "Maharashtra Swarajya Party offers you full support in any strong action you take to get redress of the Kenya wrong." Let me tell you again that most of the telegrams have come from unexpected quarters. Well, here is a most remarkable telegram from a gentleman with whom I have worked in full co-operation until five years ago, but from whom I have separated when differences arose. Pandit Madan Mohan Malaviya now belongs to the Non-Co-operation Party, and three days ago, if you should have asked me, I should never have said that I would receive a telegram like this from that gentleman. It is from a man with forty years of solid work behind him, and this is his telegram. It is sent to me from Simla. "Indians of all shades of public opinion are at one with you in demanding equality of status with their fellow-subjects throughout the British Empire. If representatives of other parts are not prepared to give practical support to this elementary right of Indians as citizens of the Empire, participation of Indians in the Imperial Conference becomes a mockery and a deep National humiliation, and trust that both you and the Maharaja of Alwar will withdraw."

I have received two telegrams from Dr. Besant, supporting me on her own behalf, and on behalf of her Party. Let me tell you that while I am her friend, I do not belong to her Party.

Lastly, may I give you a telegram, which was handed over to me the day before yesterday, and which has come to me from the Government of India. It says: "We understand from Reuter's that

the Conference will discuss the overseas questions, probably on the 24th. The resolution passed recently by a majority of the Bombay Corporation to boycott Empire goods, wherever possible, as a protest against the Kenya decision, and the resolution on the same lines of the Poona public meeting, further indicates the importance attached to equality of status overseas, and we sincerely hope that the proceedings of the Conference will restore confidence and good feeling as regards Mandates. We trust that the atmosphere will permit you to secure a favorable solution. Otherwise, India's right to revision of policy must be reserved. Sir T. B. Saprú's proposal in a letter to Sir Narasimha Sarma to reserve the right to challenge policy when India's interests are affected though substantially the same as ours is less elastic. We earnestly hope that you have secured an agreement with General Smuts to abandon or modify the segregation policy, as suggested in our Despatch. We attach very great importance to it. We hope also that the Dominions and the Colonial Office will consent to the appointment of agents to assist them and us in this difficult question, as suggested in our memorandum. Please send the copy of the telegram to Sir Tej Bahadur Saprú." I won't take up your time further. I have tried only to reinforce the argument, which Lord Peel has put forward, by showing how different classes of our people are agreed on this question.

Having explained the depth and implication of Indian feeling, I will now proceed to explain the circumstances in various parts of the world, whereby this feeling is at present aggravated. I have been studying such official papers as are available to me, and for the sake of convenience, and to save your time, I propose to read to you a very brief summary of the position. There are about one and a half million Indians now settled in other parts of the Empire, and in many parts, they are subjected, as Indians, and quite irrespective of how well they shape up to local franchise standards, to grave political and even economic disabilities. Let me start a brief survey of these grievances by paying a tribute to the Government of New Zealand, which is represented by my distinguished friend over there. That Government, in its own territory, at least, treats Indians on a footing of equality with all other inhabitants of the country, and my countrymen can live there among New Zealanders as their fellow-citizens in honor. In Australia also, the disabilities which Indians suffer from are comparatively small. We hope that before long, legislation will be passed to enable them to exercise the Dominion franchise, and remove the disqualifications they at present suffer from as regards invalid and old age pensions; in certain provinces also, there are minor disabilities, which I hope it will not be hard to remove. In Queensland, they have no State franchise, and they have to undergo a dictation test for employment in the sugar and dairy industries, which is apt to operate prejudicially. In Western Australia also, they have no State franchise, while in South Australia they are disqualified for leases under the Irrigation Act. Let me tell you plainly that, if I have failed in this statement to convince Mr. Bruce, I hope he will at least extend to me the hand of fellowship on this question. I am willing to co-operate with him to devise methods for the solution of these difficulties.

In Canada, of which Mr. Mackenzie King is the distinguished Prime Minister, there is a small Indian population—I hope he will correct me, if I am wrong—of not more than six thousand.

Mr. Mackenzie King: "Over twelve hundred."

Sir T. B. Sapru: "Thank you very much."

In British Columbia, there is no Dominion, Provincial or Municipal franchise. Now, I come to the most difficult part of my task.

I come to South Africa. In South Africa, the problem is very serious. Here, there are 161,000 Indians, of whom all but a few thousand are mainly resident in Cape Colony. They have no political franchise in Natal. Besides this, they fear they will lose the Municipal franchise. In the Transvaal, there is no franchise of any kind. Nor is it only political subjection that my countrymen complain of. They also suffer severe economic handicaps in Natal. They are, in Natal, restrained from acquiring Townlands. In Townships in the Transvaal, they are prohibited, either as individuals or companies, from acquiring land, and in the Gold Area, they may not occupy land. To make their lot more miserable, the laws governing the grant of traders' licences are administered in a manner which strikes directly at their own interests. Moreover, the Union Government, of which my friend General Smuts is the head, even now is contemplating legislation which will provide for the compulsory segregation of Indians in urban areas by restrictions on the ownership and occupation of land. May I be permitted at this stage to invite the attention of the Conference to the curious discrepancy between this very serious state of affairs and the sentiments enunciated in 1917, I believe, in this very Hall? General Smuts then said—and I quote his very words—"once the white community of South Africa were rid of the fear that they were going to be flooded by unlimited immigration from India, a fear removed once for all by India's acceptance of the Reciprocity Resolution of 1917, all other questions would be considered subsidiary, and would become easily and perfectly soluble." May I also remind you what Mr. Burton said on a former occasion at the Imperial Conference—and I attach considerable importance to the testimony he has given as regards the character of my countrymen in South Africa? Mr. Burton said: "So far as we are concerned, it is only fair to say, and it is the truth, that we have found Indians in our midst in South Africa who form, in some parts, a very substantial portion of the population, good, law-abiding and quiet citizens," and it is our duty to see, as he expresses it, that "they are treated as human beings, with feelings like our own, and in a proper manner."

From the Self-Governing Dominions, I pass to the Colonies, and very briefly allude to our position there. In British Guiana, I gladly acknowledge that our Indian population can live on terms of honor and equality of treatment. Their grievances are comparatively very much fewer. In Fiji, my countrymen demand more adequate representation, based on a satisfactory franchise, in the Legislative bodies; they also ask for settlement of a minimum wages based on the cost of living; they ask for removal of the poll tax, which presses very hardly on them; they ask, further, that land should be given to them for settlement. I have received a cable from an important quarter, that if these grievances are not removed, they should be repatriated. In Kenya, Indians desire a common Electoral Roll instead of a communal franchise. They protest against the administrative veto which prevents them from acquiring land from willing European sellers in the highlands, and they fear that immigration restrictions may be

employed in such a manner as to prejudice the development of the Colony by Indians.

In Uganda, Indians are pressing for representation by election rather than nomination to the Legislative Council, and in Tanganyika, which my countrymen helped to win for the Empire, they have certain grievances which, I understand, are at present under the consideration of the Colonial Office, such as the profits tax, pedlars' licenses, and trade licenses, and may I express the fervent hope that the Colonial Office will give very sympathetic consideration to those grievances before they arrive at any decision? Thus, wherever we turn, we see circumstances in the local status of Indians which are not to be reconciled with India's National aspirations, or with the position which she will obtain as a result of the declared policy of His Majesty's Government, a position, which, I hope, she will achieve much sooner than some people realise.

#### C MANDATES.

At this stage, I will slightly digress from my argument and refer to C Mandates in a very few words. As regards the administration of what I will call C Mandated Territories, which have been committed to the charge of certain Dominions, I desire to say that my countrymen cannot acquiesce in any position, which does, or may in future, make their status inferior to what it was when those territories were administered by Germany. I have already read to you the views of the Government of India in a telegram. The matter is, at present, not of very great practical importance, as the number of my countrymen is very small, but I must, in fairness, enter a *caveat* against any action, which may, in future, turn to our disadvantage. May I also, in this connection, remind you of the provisions of Article 22 of the League of Nations? I will only quote the material portions, after referring to the Central African and other peoples. It lays down that the Mandatory Power, besides certain other duties, shall secure equal opportunities for the trade and commerce of other Members of the League. I take my stand on that.

#### RESOLUTION OF 1921.

Having thus reviewed the position of the Self-Governing Dominions and Colonies, according to information available to me—and I shall not object to any member of the Conference correcting me, if I am wrong in any detail—let me tell you of the position taken up by this Conference in 1921. Lord Peel has read us a portion of that Resolution, but I propose to read to you the whole of the Resolution. "This Imperial Conference, while reaffirming the Resolution of the Imperial War Conference of 1918, that each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of restriction of immigration from any other communities, recognises that there is incongruity between the position of India as an equal member of the British Empire, and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire. This Imperial Conference, accordingly, is of opinion that in the interests of the solidarity of the British Commonwealth, it is desirable that the rights of such Indians to citizenship should be recognised. The representatives of South Africa regret their inability to accept this Resolution in view of the exceptional circumstances in a great part of the Union. The representatives of India, while expressing their appreciation of the acceptance of the Resolution recorded above, feel themselves bound to place on record

their profound concern for the position of Indians in South Africa, and their hope that by negotiation between the Governments of India and South Africa some way can be found, as soon as may be, to reach a more satisfactory position." You will thus see that the Resolution divides itself clearly into three parts. I will take up the first part, which deals with the question of Immigration. It gives each Dominion the fullest and freest right to regulate the character and composition of its own population. I am bound by that, you are bound by that. But just as I am bound by it, you are also bound, in honor, by the second part of the Resolution, which really is the most vital part with which I have got to deal except, of course, that portion which relates to South Africa.

But before I proceed further, let me make one point clear. Let there be no misgiving about the question of immigration. There is a growing sentiment in my country that we should not send our Nationals outside anywhere, and I may perhaps make the confession, with the permission of the Prime Minister and the Secretary of State for India, regarding my attitude. When I was a Member of the Government of India, I helped to draft an Emigration Act, and I was President of the Committee which sat to consider it. I was probably the strongest exponent of the view that there should be no emigration from India to outside countries on any conditions whatsoever. We do not want our Nation outside India to appear as a Nation of coolies. We have had enough of that. There is plenty of scope for the conservation of the energy of my countrymen in my own country. We want them to rise to the full height of their stature in our own country. The Dominions, therefore, need have no fear on that account. I just said that as I felt bound in honor by the first part of the Resolution, I consider, and I hope I am not demanding anything extravagant from you, that you are also in honor bound by the second part of the Resolution. I will be absolutely frank. I will exclude South Africa, because South Africa stood out. I make no appeal to South Africa on the basis of the second part of the Resolution, but I will ask the other Dominion Prime Ministers what my countrymen and what my Government are asking in India, namely, what steps have been taken, or are proposed to be taken, to honor this three years old agreement. While every reasonable man must make allowances for practical difficulties in implementing that resolution, while I recognise the difficulties arising from local circumstances and prejudices, from slow changes in public opinion and from the exigencies of party politics, yet I must tell you that the question, to us, is one of vital importance, and in fairness to my country, I must say that she finds herself absolutely unable to acquiesce in the present position.

I have, therefore, come to you in the name of my Government, in the name of the many millions of my countrymen, to make an earnest and sincere appeal to join hands with me in devising some methods, such as your statesmanship will enable you to do, methods intended to give effect to the principle of equality embodied in the Resolution of 1921. Do not for a moment think that I fail to recognise your difficulties. I have held office, and I know the difficult position of responsible Ministers. I am not blind to those difficulties, but pray, let me ask you also to realise our National difficulties and my difficulties. I invite you to face with me in the broadest spirit of statesmanship this vital problem that Lord Peel and I have the honor of placing before you this morning, and I claim your co-operation in de-

vising methods for solving the problem after long and careful consideration. I have come to the conclusion that I must place certain definite constructive suggestions for your consideration. If you, on your side, can make any better suggestions to me, if you can offer any better alternatives to me, take it from me that you won't find anyone readier than myself to accept them. I earnestly suggest that what the occasion demands is united effort, if we are to find the solution for this difficult problem, which threatens, at no distant date, to acquire almost the character of a problem of foreign policy. I appeal to the Dominion Governments and His Majesty's Government to take a united course.

#### SIR TEJ BAHADUR'S PROPOSALS.

I will now tell you what my resolution on the proposal is. I have reduced it to writing. It is: Let the Dominion Governments, who have Indian populations, let His Majesty's Government in areas under their direct control, such as Kenya, Uganda, Fiji and other places where there are Indians resident, appoint Committees to confer with a Committee which the Government of India will send from India, in exploring avenues of how best, and how soonest the principle of equality implicit in the 1921 Resolution may be implemented; and lest the force of the enquiry be prejudiced, I will couple with my proposal the request that any anti-Indian legislation which may be pending should be stayed until the report of these Joint Committees are available. That is my resolution. At once I propose to remove any misapprehension which may be lurking in the minds of any one who has listened to me. I do not want a Central Committee, let me tell you; I want a Committee appointed by each Dominion within its own borders, and I want the Committee appointed by each Dominion to confer with the Committee which will be appointed by the Government of India, and which will go to each Dominion. That is my appeal to the Dominions, except, of course, to South Africa. Under the Resolutions of 1921, I make the same earnest appeal to His Majesty's Government, and especially to the Duke of Devonshire and the Colonial Office, in so far as the Resolution relates to the Colonies.

I will, in a few words, tell you what, in my humble judgment, are the advantages to be gained from my resolution. In the first place, you gain time, and that will enable us to calm the angry passions that have arisen in India on this question. In the second place, India will be, undoubtedly, in a more hopeful frame of mind, and we can all bring all the more the forces available to us to bear upon the solution of this problem. In the third place, my resolution absolutely safeguards your independence, I mean the independence of the Dominions. It places the initiative in your hands, and let me tell you, it is not merely because I am anxious that the Dominions should have that independence that I have provided for that safeguard, but also because of the lurking feeling of self-interest in my mind, that you have received a rich inheritance of independence and freedom of Self-Government in your territories. I am still aspiring to it. I hope my aspirations will be realised very soon, and then, like you, I shall be jealous of any outside authority imposing its will upon me in my affairs. It is for that reason that I am anxious that the Dominions themselves should take the initiative as regards this Committee which I suggest, and the Committee which we propose to send out from India to confer with you in your countries. I think, and I honestly believe, that if the problem is explored on those lines, it would be found that it will not, in the end, prove insoluble.

## ADDRESS TO GEN. SMUTS.

I now turn to perhaps the most difficult part of my work, and that is my address to General Smuts. I frankly recognise that I cannot address him on the basis of the Resolution of 1921. He was no party to it, but I address him on three specific grounds, firstly, as a humanitarian, secondly, as an Imperial statesman, and thirdly, as the Prime Minister of South Africa. As a humanitarian, I say, he cannot absolve himself of the moral duty which rests on his shoulders of elevating the status of my countrymen in his Dominion. Let it be granted that their standard is low. It makes his task all the more imperative and urgent, that he must help them in raising that standard of my countrymen. Let him not forget my countrymen now, when it lies in his power to raise their standard. He cannot permanently relegate them to a position of inferiority, for therein lies the menace, not to his country or mine, but to the Empire.

I appeal to him, next, as an Imperial statesman. Even since the days of the Armistice, what is it that General Smuts has stood up for? He has stood up for peace, peace to all the world, and he has stood up as a protector of minorities. He has acquired an unique position as an Imperial statesman. It has given him world-wide fame. What is it that we have observed during the last three weeks, sitting on this Conference? General Smuts has been trying to devise means to bring peace to a distracted world. Is he going to exclude from that happy mission, his country and mine, for, let me tell you that there shall be no peace unless he includes his country and my country within the ambit of his big proposals. I don't address him on the basis of the Resolution of 1921. I do not wish to interfere with his very natural desire to be consistent. I appeal to him independently of that resolution, and I say to him, "Won't you join hands with me," as I have appealed to other Dominion Prime Ministers, in devising methods for the solution of this problem now, and for all time. I do not indulge in any threat. That is not my line, and I hope General Smuts will not misunderstand me. However powerful he may be in South Africa, and however weak we may be in India, you cannot relegate my countrymen for all time in King George's Empire to a position of inferiority.

I will now address General Smuts as Prime Minister of South Africa. Does he fully realise the implication of his present policy? I doubt whether he does. Won't he aggravate the trouble, not merely in South Africa, but throughout the world, by putting the white people on one side and the coloured races on the other side? I tell him frankly that if the Indian problem in South Africa is allowed to fester much longer, it will pass, as I said just now, beyond the bounds of domestic issue, and will become a question of foreign policy of much gravity. I therefore earnestly trust, he will not refuse to co-operate with me in attempting to discover a solution. And I also hope that in view of the present seriousness of the situation, which my Government and people have referred more often than I can repeat here, he will agree to the appointment of a diplomatic agent to be sent by the Government of India to Africa, who will protect our Nationals there, who will act as an intermediary between them and the South African Government, and who will put our Government in full possession of facts relating to our Nationals. I will very briefly make reference to the proposals which General Smuts has been good enough to circulate in the



memorandum among the members of the Conference,. I have read them with very great care, and all the attention and the weight to which a memorandum of General Smuts is entitled. Let me tell him, and let me tell you all, that it is a document of remarkable subtlety, such subtlety as I have always been accustomed to associate with the name of General Smuts. In the first place, General Smuts takes exception to what Mr. Sastri has been saying or doing. I hold no brief for Mr. Sastri. He has been an intimate friend of mine and fellow-worker in public during the last twenty years. If only the objection that General Smuts has got to find with him, and if only the crime to be attributed to him is that he, in the Dominions, frankly and freely pleaded for equality for his countrymen, then let me tell General Smuts that he is vindicating not merely Mr. Sastri, but also the 320 millions of my countrymen. We all plead guilty to that charge. I will refer no more to that personal issue, but I will ask you, first of all, to consider the implications of that important memorandum which may strengthen the bonds between the Empire and India, for I do believe in that connection.

General Smuts compares the British Commonwealth to the League of Nations, but I say metaphorically that the analogy may hold good up to a certain point, but after that it breaks down. The League of Nations has no common sovereign. The British Commonwealth has a common sovereign, and we are united by our allegiance to him, but if the British Commonwealth is to be compared to a League of Nations, you cannot stop short of the full extent to which that analogy must be applied. What is it that the League of Nations has been created for? It has been created, as I understand it, to settle disputes between the various Governments by Conference and by consultation, and will do so, unless they refuse to come to that Conference and that consultation. But it is just this consultation and the Conference which General Smuts, as I understand, is refusing. What is it that a resolution like this comes to? It asks the Dominion Prime Ministers who participated in the Conference of 1921, and agreed to that Resolution, now to treat as a scrap of paper, and join him in passing an absolutely new resolution which, on the face of it, has for its object the reservation of fullest freedom to each Dominion to pass its own laws regarding franchise. Nobody has doubted that constitutional right, but there are limits to that constitutional right, limits which are prescribed by prudence. Let me illustrate. The Free State Parliament in Ireland is also independent. That Parliament passed, or intended to pass, legislation to the effect that it would not recognise the right of any Protestant or Englishman to the franchise in Ireland, and suppose, on the other hand, the British Parliament intended to pass legislation to disenfranchise all Irishmen settled in Scotland.

Well, if you looked at it strictly from the legal point of view, you might say that these Parliaments would be within their right, but prudence would at once prescribe the limits to the exercise of that power, and that constitutional right. The first impulse of the two Parliaments would be to confer to devise methods of avoiding conflict. Will they not do it? Yes, I recognise the constitutional liberty and constitutional rights of Dominion Governments, but let me tell you this that constitutional rights can only be exercised with prudence and discretion up to a certain point, and beyond that point, we have to allow those constitutional rights to be subordinated to statesmanship, to prudence and to discretion as well. I don't wish to raise any

legal argument. I hope no legal argument will be raised, because this is not a legal body. There is only one thing I will say. General Smuts has said that the one binding between the Dominions and the other parts of the Empire and India is our common allegiance to a common sovereign, but he coupled that statement with a further proposition, namely, that from that political allegiance political rights did not follow. Well, I won't have a duel with General Smuts on a point of constitutional law, but I will venture to tell him one thing. Allegiance to the sovereign is a very living thing. It is not a mere figure of speech, and whenever you pass any law which affects the allegiance of the subject to the sovereign, and the corresponding duty of protection of sovereign to the subject, you tread on very dangerous ground. If a constitutional position like that is argued, let it be argued before a legal body, and speaking for myself, with all humility, I have no fear of facing that constitutional issue on legal grounds, but I do not wish to raise that legal argument at this Conference. I have practically reviewed the whole position, and I will now make an appeal to the Conference itself.

**"KEEP INDIA WITHIN THE EMPIRE."**

I will appeal to the Conference to realise to the full the implications of the Indian problem. I have placed before my colleagues from the Dominions and His Majesty's Government here certain specific proposals. I believe, and honestly believe, that the British Empire stands for Justice and Equality in the eyes of the world. Will you make place within it for India? Think for a moment of the present position. Ancient and modern history provides no parallel to it. Three hundred and twenty millions of my countrymen, whose religion is different from yours, whose colour is different from yours, whose race is different from yours, and whose history is different from yours, are united by the common tie of allegiance to a common sovereign. They are members of a Commonwealth the like of which never existed before, and let me tell you that while I do not wish to interfere with your absolute independence inside your own borders, I am one of those men who say that the British Empire can never be described as exclusively a White Empire. Within its borders, it comprises a large number of population of colored races. Now, how are you going to keep Indians, or, for that matter, all the other coloured races, within the Empire? Force? Never. Because, apart from the obvious limitations of force, you cannot be untrue to your traditions of Liberty, Justice and Equality. You cannot afford to ignore and neglect the world's opinion on this question by preserving our sentiments. Certainly, that will be the strongest tie you can have, and it remains for you to make use of it to fulfil our aspirations within our own country for Self-Government, fulfil our aspirations for a position of equality inside the Dominions, Colonies and India. We will stand shoulder to shoulder with you through thick and thin. It is by preserving that sentiment that you can keep India, and I pray, with all the sincerity I am capable of, that this Conference may come to some decisions which make no mistake. It is by sentiment, and by preservation of that sentiment, that you will retain us, and enable us to achieve Self-Government, and satisfy our other National ambitions outside our own country. Think for a moment what India means to you. More than three-hundred million men are closely allied to other Asiatics, constituting almost the entire half of humanity. They are placed within the ambit of the British Empire. If we are incor-

porated within the Commonwealth, think what we shall mean to the peace of the world with our ideals of Self-Government, bridging, as we do, the East and the West, and shouldering burdens which are yours as well as ours, for the service of humanity.

Think, again, of the ties which bind us together, if you will allow them to do so. King George is your King, but our sovereign. Devotion to his person and his throne is a very real thing. Notwithstanding what extravagant men may say in my country, I claim, and let me be very plain, not as a matter of grace but as a matter of right, as the King's subject, to have an honourable place in his household, and a position of equality and honor within the Empire, wherever it may be, for our position in his household overseas is of far greater importance than any other questions which are at present agitating our minds. I am fighting in this spirit, fighting as a firm believer in the connection of India with England, fighting as loyal and devoted subject of the King, as one who had the honour of serving him in his Government in India, and I am fighting for the honor of my country. Before you all, my plea, indeed, the plea of all my countrymen, is for equality within the Great King's Empire, including his Dominions. On that, there can be no frittering or weakening on my part. I invite you to devise means with me to give effect to this cherished ambition of my countrymen.

#### AN APPEAL TO PREMIER

May I now make an appeal to the Prime Minister? Sir, you are the head of His Majesty's Government. Let me tell you that every single word that falls from you on this occasion will be read, re-read, and analysed in my country from one end to the other. I now want to make an appeal to the Prime Minister and his colleagues. Don't send His Highness the Maharaja, don't send me back to India to say that I attempted to seek justice at this great Advisory Council of the Empire, and that I failed. I speak with all earnestness, that one single gesture from His Majesty's Government, one single expression of sympathy put into practice, one honest attempt made to try to find a solution, will allay the situation in India in a manner which you don't realise. I am afraid that I have trespassed too much on your time, and I beg your pardon. I also thank you for the patient and courteous manner in which you have listened to me, but the cause of my country demanded that I should put my whole case before you frankly, and to the best of my ability.

His Highness the MAHARAJA OF ALWAR said:

MR. PRIME MINISTER AND FRIENDS,—I echo the thanks to the Prime Minister for having set aside a day specially for discussing the problems of Indians overseas, a question which I believe will be tackled with all the goodwill that I see around me, and will help, when it reaches the final stages, to allay a great amount of feeling that at present is rather prominent in the minds of my countrymen. To-day is India's day, and as these words come before my vision, thoughts and ideas of all kinds surge through my mind, some of emotion, some of patriotism, and others of the unity of the Empire; but coloured as they are by the comparatively narrow ideas of Nationalism, citizenship, political rights and freedom, they pale into almost insignificance before the dominating sunlight of the feeling and idea of a common Brotherhood. But I have to speak to-day of mundane affairs, sordid affairs of the political arena and about the life and existence in this material world of some unprotected com-

munities. I must perforce descend from the high exhilarating heights, and leave my pedestal which is yours also by birthright, as of every individual either inside this room or outside it, nay, of all fellow beings within the four corners of the Empire. I do so, Sir, I hope only temporarily, to try and find my level again in the life of love, where we were all intended to live and sometimes try to get to.

Now before going further, I will briefly halt to touch in passing on a subject that is known to many of you already, but which I know is unknown to some of you. You know that India is divided into two parts, or rather more correctly speaking, into two administrative spheres. Two-thirds of that country is called British India, under the direct sovereignty of His Majesty the Emperor and his Government with all its machinery of Parliament, Cabinets, Government of India and so forth. There is the other one-third which is governed by Indian Princes and Chiefs, whose subjects are the subjects of their own Rulers, and who have, not from to-day but from six to eight generations, been in alliance, by means of treaties, sanads, engagements etc., originally formed with the British East India Company, but the responsibilities of which were taken over by the Crown in 1859. These systems are not the growth of yesterday but the survival of a regime of hundreds of centuries, yet able to imbibe, to assimilate, such progress as is compatible with our traditions, religions, ideals and environments. I have trespassed on your time with regard to these matters as they will have an important bearing on what I have to say later.

I intend to speak to-day not merely as the representative of the Princes, but also and even more so as an Indian than whom, I believe, no one regards his Motherland as more sacred and who wishes nothing than that she should receive justice from the British Government in whose hands her destinies are placed and co-operation from her Sister States who form a comity of Nations in our Empire. Let me say at the outset that I have no vain threats to place before you for the simple reason that they go against the very principle of co-operation which I placed before myself on entering the precincts of this room on the first day of our Conference. I will say further more that while on the one hand I have nothing to beg, I also make no demands, as I have no demands to make. But the Motherland whose salt I eat, the land whose soil has given me birth, tells me that it is my duty to place in plain unvarnished and candid words before you all the facts of our case such as I know them.

And now, Mr. Prime Minister, I have one request to make, and this is, that every word I utter or have uttered to-day in my statement may be cabled in full to my countrymen and in no hashed or pruned form. I do desire this, not because I seem to want cheap notoriety by making gallery shots, but because my countrymen have a right to know every word I say in their name. They may have some things to criticise and others which they may not entirely like. It is in justice to them, speaking not as their representative, but as one of them, that I therefore do not wish to say anything behind their backs 7,000 miles away which I won't gladly say to their face. I will now proceed.

We believe that the greatest assets of the British-Empire lie in its championing the cause of Freedom and Justice. It is because I feel, and my country feels, rightly or wrongly, that Freedom and Justice are at stake, as exercised or perhaps as understood, that I want

to speak these words. I hope they will be in the interests of the Empire, and it will be something done, if nothing more, if misunderstandings and misapprehensions that do exist are somehow removed. It will be all the greater glory to you all, and I speak of no tinsel glory but the glory of heart, if the British Government and the great Dominions will show by words and prove by action that they mean to assist one of their sisters who is old in age but also at present the weakest member on the chessboard of the political game.

#### HOW LONG IS INDIA TO WAIT?

I hear wails from India itself—I now speak principally of that two-thirds—conveying feelings of deep horror, and the words of my fellow-brethren of my country seem to ring in my ears. Are we growing to progress steadily and progressively, yet not too slowly, towards our goal which other Sister-Nations have been more fortunate in already achieving, the goal of having power to govern our own country as a loyal and integral part of the Empire? Are we going to be helped affectionately and with kindly feeling to the goal which has been pronounced publicly by the British Government and more than which we do not aspire to, of being a loyal Self-Governing Dominion within the Empire? Is everything going to be done to accelerate our progress, or is our progress under various pretexts to be restricted and delayed? Have we a long number of years before us of a great furnace to pass through from which Ireland has only just emerged? Sometimes I am afraid this despondency has been keen to give rise to despair which resulted in giving exhibitions in many places of those hideous atrocities at which the British Government, as custodians of our country, don't feel happy, and of which we, as its sons, are certainly not proud. If India had some more definite proposition before it than having to wait every ten years for its destiny to be enhanced, if it had a reasonable assurance of rapid but progressive advance, I believe that Self-Government, which is the goal of us all for two-thirds of India, would be achieved early and smoothly.

Despite anything that may be said to the contrary, that achievement is possible within a very much shorter period than some people would like us to believe. I know and I don't need to be told that it depends to a great extent on India's capacity and on herself. I agree, but surely you do not desire to throw India entirely on her own resources. Does she not look to Britain to give her periodical and sustained assistance, so that my country may be, as it had been in the past, a really and genuinely grateful and loyal partner in your wonderful heritage, I am speaking of Self-Government for the two-thirds of India, and in dealing with this subject, I hope I may seek your indulgence for another few moments.

The solution, I firmly believe, won't lie in grafting Western principles of political Government on the East with a stroke of the pen. Already many old bottles have cracked into which this new wine has been poured. I would much rather you get India in a Round Table Conference and work out with her sons plans and methods that would be best suited to her environment by which she can obtain her goal very rapidly, but at the same time in a very peaceful and very loyal manner. I say it is possible, and probable of early success, and you will be doing something for the 300 millions of human beings that will cement them to you with gratitude and brotherly feelings.

The world was not built for academic or pious assurances spread over a number of years, the fulfilment of which may well pass over a

lifetime. What seems to me is this, and that is why I mentioned this subject, and in connection with it I will say no more than that the whole problem, if viewed with breadth of vision and imagination, is really so simple, that it is not so much of a hedgehog as may be conceived by those who don't come in close contact with it, and is really still capable of a solution which will leave a stronger England and a loving India in the end.

I will only say this much, many unpleasant incidents have taken place in India during late years. I have no desire to lift before you the veil or disclose tales of woe or wails and lamentations. Many mistakes have undoubtedly been made on both sides. So far as India's side in the picture is concerned, it will be a regrettable spot on India's fair name, and I say this in all solemnity that any grievances which India may have had and did have were allowed to be involved in interfering with the welcome given to the Royal heir to the British Throne, the Prince of Wales, when he was touring in British India. Will British Royalty and you, British statesmen and people, not overlook this blunder and let it be past history? Can we not bury what has happened and rise in mutual goodwill and understanding for the future? Let not the hand of the clock be held back. Advance in full confidence that what you do for India will be repaid to you a thousand-fold from people who know how to respond to generous sentiments.

Now I start on a voyage outside my country under the aegis of the British Flag, under the protection it gives its loyal citizens. Indians, in search of enterprise, left their homes and their shores to find refuge in parts where Freedom, Justice and Peace were symbolised in a trident, red, white and blue. Indians found their way to South Africa, Canada, New Zealand, Australia and Newfoundland. They went as citizens under the Union Jack, established their homes, invested money, and settled down as peaceful citizens. I have been told and perhaps rightly so by General Smuts that the idea of British citizenship has changed from what it was a few years ago. I have forthwith applied myself to the facts and asked the question, what does that mean? Surely the answer cannot be the treating of any particular race as an outcaste.

**"I HOLD OUT MY HAND."**

I am well aware of the fact that several of the questions with regard to Indians overseas lie almost outside the direct concern of the Imperial Government. They are really within the purview of the Self-Governing Dominions who are connected with the Centre by silken ties and I will leave it at that. I want to address a few remarks directly to my Dominion colleagues, and I will say this, if one of your links in the chain is weak, the chain is weak, and is further weakened perhaps. You can do without it, we want to have you with us, let your inclinations decide. I know, my friends, how difficult it is for you to make any personal promises, for your positions depend, your authority depends, on people to whom you are answerable. I assure you, I appreciate the difficulty of your position. I as an Indian have only tried to hold out my hand. I don't know if you and your people have power and desire to grasp it.

Nothing hurts in the world more than humiliation. It is that one word which is the keynote of half the troubles of this world. It is certainly the keynote of the trouble of my country. Whether it is imaginary or real, Providence will judge. At least with open hearts

shall we be able to approach Him, our Lord, on the Day of Judgment and say: "We are Your children; it was all a game, all a chequer board of nights and days. We played our part. If it were ours for sacrifice, then we sacrificed that others might live as friends."

I want to tell you that I have received messages from my country asking me not to work in the Conference and encouraging me to resign because India has suffered humiliation in Natal and Kenya. But, I paid no attention to these counsels of despair. It may perhaps be thought that I sought honor and glory and could not forego such a lure as the Imperial Conference. But the reason that kept me here, rightly or wrongly, was because I felt that nothing in this world was achieved by ill-feeling and that a great deal is gained by toleration and goodwill. Come what may, I am determined to exercise them to the last in this assemblage.

I have received mails from Fiji Islands saying that the poll tax was causing Indians grave injustice, and that they desired to be repatriated if no other gratification could be given to them. I have received tales of woe from Natal complaining that a law was going to be introduced, segregating them as outcastes. Similar stories come from Basutoland and other places, which I need not go on reciting. How all this sounds to your ears, I don't know. How does it sound to mine? Is it necessary to speak? How it is going to affect India if these questions are not solved, is a prophesy that I shudder to make.

And remember, my friends, that this question does not affect British India only, but our Indian States' subjects also are involved in this overseas problem. It is not a question that agitates the mind of British India alone, but it is one that is viewed with equal humiliation of Indian States. Why, I was surprised to receive letters from my own subjects, one or two sentences of which I will read to you. I hope you won't mind the portions in which, out of affection and loyalty, personal references are made to me. This is certainly not the reason why I quote these sentences. "Imperial Conference is drawing near. Your Highness is a member of that important Assembly. India is bereft of all sympathy in the outside world and has been passing her transition days in trying circumstances aggravated recently, to a great extent, by the Kenya decision." "Whether the moment means for India a political setback, or real awakening, and a sure progress towards the building up of a great National edifice, remains to be seen. But at present she looks on Your Highness with wistful eyes." I say no more, and I regret having mentioned this portion of the letter. I have read a portion of it to illustrate that the question is viewed with no less concern in the one-third of India than it is in the two-thirds.

#### GENERAL SMUTS' SUGGESTION.

General Smuts, in talking about the question of Indians who come in his country, suggested, I think, in a casual way on one day, that they might be sent for settlement to the British Guiana. I believe, the British flag has been planted in the North Pole. So I wonder if that would not be a suitable solution of the problem, if it was desired to exterminate them. But I really came to know of General Smuts. After my brief knowledge of him, although he has been called, I am sorry to say, "Arch-enemy of India," yet we have in him, if I may be permitted to say so to his face, a sagacious statesman, who sees far ahead unlike ordinary mortals what is in the in-

terests of our greater Empire. From my personal conversations with him I would really reverse the epithet and say that I regard him, since I came here, and I speak in no platitudes, as in his heart of hearts personally a staunch friend and supporter of India.

### THE CASE OF KENYA.

The question of Indians in the Dominions is one that concerns the Dominion Premiers, and their Parliaments primarily. But the question of Kenya as a Colony stands entirely on a different footing. I believe I am right when I say that many Indian settlers went to Kenya long before it was discovered as suitable place for colonisation by white people. They took lands, invested money, and to a great extent, helped in developing the prospects of that country economically. So long as the Colony was administered by the Imperial Government, difficulties, I understand, did not arise until the question of franchise to the residents came under consideration. It has now been decreed, in the last decision, that the recent white settlers who are a minority are to be given a majority of votes in relation to the Indian population which is a majority, thus leaving the latter at the mercy of the former, to be gradually ousted, if necessary, and as seems possible, by means of legislation.

I don't mean to enter into the *pros* and *cons* of this case. What Lord Elgin said or Lord Milner recommended are side-issues, because from my own twenty years' experience of administration, I know how easy it is to produce arguments, with all power in one's hands, and records and papers at one's disposal in favor of one's case. Arguments it would be unwise of course for me to adopt, for misunderstandings are not always removed by arguments. I know that there are some noblemen and gentlemen of influence from this country who desire to settle there if they have not already done so. But the principal argument that has been advanced is that the Colonial Office holds Kenya in trust on behalf of the African races who are the original inhabitants of the country. Now, if I may say so, it strikes me as being peculiarly grotesque that a country held in trust on behalf of the people who are backward and who have yet to grow under the aegis of the British flag, should actually have franchise given to some one else to develop the country during the interregnum. Does this mean that when the original tribes and people awaken from their slumber, they should be given primary consideration in relation to those who have invested money for several years past and who now govern the country not under trust but under franchise? I don't wish to enter into any further arguments.

The whole question of Indians overseas seems to be one which does not mean flooding different portions of the Empire with Indian immigrants claiming rights and privileges merely by their number in order to oust others who may have a rightful heritage. Mr. Mackenzie King in one of his utterances in this Conference said as regards Canada that it was possible to restrict immigration from Japan by mutual agreement not necessitating introduction of Law. When discussions take place similarly, I hope Prime Ministers of Dominions will allow their goodwill to go to my country, for that, I am sure, will have a very happy result.

That was mutual right understanding which did not cause any humiliation to either side, and allowed the Dominions to grow, in accordance with their own environments, yet, at the same time, made



no strictures or asked no strictures to be passed on peoples who settled there as peaceful citizens. I believe that the Indian Government, and I am open to correction if I am wrong, to be equally prepared to enter into a mutual understanding with various Dominions and Colonies to prevent immigrants flooding these countries. Under such circumstances is it not possible to modify laws and enforce them in a manner that they don't pointedly chafe at any particular community, thus causing them humiliation? What I want to know is whether my countrymen, as citizens of the British Empire, have any rights to settle in these countries, not for exploitation, not by way of peaceful penetration, but as peaceful traders to live their unobtrusive existence.

I may assure you, friends, that I quite appreciate the difficulties that exist in the solution of this great problem. I realise that though, individually, most of you may be prepared to look at the matter from a broad Imperial point of view, you have to return to your Parliaments, which may hold different opinions. All I have to say, therefore, is that while we are conferring in this Imperial assemblage, can we not put our heads together to solve the difficulty, which surely, human beings were meant to solve? Not for the sake of an individual but for the sake of the Empire. I have said this much, because I feel that the problem is much greater than what appears on the surface, relating merely to Indians overseas. If you can enable India by real action to feel that her humiliation is removed, that she can take pride in the Empire to which she has the privilege to belong, you will have achieved something, which will be a lasting credit to yourselves and strengthen the chain whereof we all form loyal links.

Particularly, since I came here, I have realised how wholeheartedly, and with a single purpose, Lord Reading and his Government have given their utmost help to our cause. Things don't always appear in public or in press which enable India to see what part the Government of India is playing in our cause. All glory, however, is due to them for their assistance. We shall not easily forget it, and hope that some day we may repay them for their effort and goodwill. Regarding Viscount Peel, it is more difficult to give him thanks since he sits besides me. I thank him however, in the name of India, if I may do so, and thank him with a grateful heart for his powerful championship of our cause. To-day my heart has been softened by the words he has spoken of our Nationality and our religion. I hope every word of his statement will go to India, so that my country may not despair that it has no one to support it.

#### MESSAGE FROM PRINCES

I have very little more to say, Prime Minister and friends. It is now my pleasurable task to read a message I received from my order in India, Chancellor of our Chamber of Princes, the Maharajah of Bikanir, who conveyed it to me by cablegram. This is the message:

"Had Chamber of Princes been sitting this time, Indian Princes would have desired to send a message to this Conference, in view of the important question of Indians overseas including 'Indian States' subjects who are affected specially in Kenya. But as the Chamber is not sitting, the Princes of India, by cablegram, convey a cordial message of friendship and goodwill to His Majesty's Government and the British Nation, to the Dominions and the Colonies and their

distinguished representatives at the Imperial Conference with whom the Princes are united by common ties of loyalty to His Imperial Majesty the King Emperor."

The cable continues as follows:

"We give expression to our hope that the united efforts of all concerned at the Conference will yield some satisfactory result, drawing closely together into bonds of good fellowship, the great comity of Nations forming the British Empire to which the Princes and States are firmly attached, and securing to Indians, including subjects of Indian States, an honoured position in all parts of the Empire, in keeping with India's rightful place in the British Commonwealth, and in conformity with the assiduous and constant efforts of the Viceroy and the Government of India."

#### LET INDIA BE CALLED A DOMINION

Friends, I convey this message to you coupled with my own hope, that its aims and objects may finally be achieved before we leave England at the termination of the Imperial Conference. The subject is undoubtedly large and certainly complicated, but surely, with goodwill, we will overcome difficulties, and if, as we believe, we are firmly determined to see that every portion of the British Empire is strengthened, then I by no means despair but on the other hand I hope for possibilities of arriving at a settlement which will make you all more respected and loved in the eyes of those whom you help, and will leave those grateful to you to whom you extend the hand of assistance. I hope that it will be possible for you to consider also whether it will not be advisable hereafter to allow India to be called a Dominion, not a Self-Governing Dominion, until she becomes so, but a Dominion specially when making reference to her in relation to her Sister-Dominions.

Gentlemen, I think I have said all I wish to on the subject of my countrymen overseas. On India's day it has been a great pleasure to me to meet round this table the great statesmen who are my colleagues from the Dominions, and I have had the pleasure of making their personal acquaintance. May I thank them for their kindness and courtesy to myself which I take as a token of their goodwill to my country. If at any time, any of my colleagues think of visiting India, I hope he will give us the opportunity of showing and proving that we don't always speak words, but act on them, and that we can give as cordial a welcome to our country as it is possible to do within our capacities.

I said one day to my friend General Smuts, and I speak sincerely and in no conventional language, because he who was our enemy a few years ago is to-day one of our best friends, and a great statesman of to-day, I said to him I hoped he would come some day to India. He replied that he would be viewed with suspicion. I hope India with all her political quarrels and difficulties has not lost her human touch and response to appreciate great statesmen and prove to them that beyond our domestic disputes, beyond our domestic quarrels, lie sentiments of humanity.

I believe, and I will with this conclude, that India came into the comity of Nations within the British Empire with a definite purpose. It is a link that was soldered by the hand of Divine destiny. It was the means of enabling the West to understand the East and vice versa,

but it also came in order that the two civilisations with their spiritualities, their material advancement and progress, might, by their association together, evolve the civilisation of a great humanity of God's children, playing their individual parts, in the eyes of God. When that day comes before us, and figuratively speaking, we stand before the Judgment Seat of Him who sent us here, we shall each have our accounts to render. India may differ from you in race. She differs in religion and creed, but she does not differ in point of humanity. Personally I say this, if you give us your assistance in time of need—for friend in need is friend indeed—we shall give you not merely our gratitude but also our cordiality and practical assistance. But if it be destined to be otherwise, then I say this, that we shall be in a still higher position, for India will be able to say that, she sacrificed herself in order that others might live, she prided herself on her political weakness in order that others may be strong, we gave our little best for a higher purpose, the Divine purpose, which is our common goal, the common Brotherhood and salvation of humanity.

The DUKE OF DEVONSHIRE, the Colonial Secretary, said :

At the outset, in the few remarks I have to offer, I cannot refrain from stating that India has been exceedingly fortunate in the spokesmen selected to represent her case at this Conference. Her case was eloquently stated by Viscount Peel and His Highness the Maharaja of Alwar, and was developed by Sir Tej Bahadur Sapru in a speech the closely reasoned argument of which was greatly reinforced by its studied moderation. I particularly noticed that the proposal which he submitted was outlined rather than reduced to the special terms of a resolution. In this, if I may say so, I think he was very wise, because, while he made the general purpose of his proposal perfectly clear, he left the precise form to be moulded in subsequent discussion. Let me state as shortly as I can the gist of that proposal, as I understood it. Two years ago, this Conference, with the exception of the Prime Minister of South Africa, agreed that the rights of Indians domiciled in parts of the Empire other than India should be recognised. Sir Tej Bahadur has now proposed that the question of how and when effect can be given to this agreement should be made a subject of enquiry and discussion between Committees representing the several Governments concerned, and a Committee representing the Government of India.

That is what Sir T. B. Sapru asks. But before I proceed I must also invite you to note that there are various matters already settled which he is not attempting to reopen. He does not question the right of each community of the British Commonwealth to control the composition of its own population. He is not, in a word, asking the Self-Governing Dominions to reopen the question of Indian immigration. He frankly recognises the autonomy of Dominion Governments within their respective territories. What he asks is that the Governments concerned will agree to discuss with the Government of India the steps necessary to give effect to the resolution passed by the Conference of 1921.

It is of course in the last instance for each Government to decide for itself. But, because in certain matters such decisions are not limited in their effects to the countries by which they are taken, the issues to which they relate may be brought for mutual discussion here. In so far as the British Government is responsible for the Colonies and the Protectorates, I can only say on behalf of the British Government

that we certainly accept the principle of the request put forward by Sir T. B. Saprú. In saying this you will not understand me to mean that we are prepared to reopen matters which have been made the subject of a recent and most carefully considered decision. I refer more especially to the Kenya settlement, the terms of which were placed before and accepted by the British Parliament in July.

While I would not propose, that the area of discussion between the contemplated Committee and the Secretary for the Colonies should be limited, I should only be misleading India if I were to say anything to suggest, that the Government could consent to reconsider the decisions embodied in the settlement of July last. To use the words of the White Paper, the constant endeavour of the British Government throughout the deliberations was to relate the principles which must govern the administration of a British Colony in Tropical Africa, to the wider considerations of general Imperial policy. As enunciated in the resolution of the Imperial Conference of 1921, I have also to remind the representatives of India, that so far as the British Colonies and Protectorates are concerned, the ultimate responsibility rests with the British Government, and it is with the Government, and more particularly the Secretary for the Colonies, that any questions affecting British Indians domiciled in these Colonies and Protectorates, should be discussed in the first instance by such a Committee. As Sir T. B. Saprú suggested, it will then be for the Colonial Office to consult as may be necessary any Colonial Government concerned in these discussions before any decisions are taken by the British Government. I am hopeful that the area to be covered by these discussions will not in fact prove wide. I recently circulated to the members of the Conference, in response to their general wish, a memorandum upon the political status of British Indians in the Colonies, the Protectorates and the Mandated Territories. I studiously confined the memorandum to facts, and perhaps I may be permitted to summarise quite briefly what that memorandum contains. It shows that in the West Indian Colonies, British Indians are under no political or legal disability of any kind. They have the same franchise, the same opportunities of becoming members of effective bodies as any other British subjects. The West Indian Colonies in which there is a considerable British Indian population are British Guiana, Trinidad and Jamaica. In British Guiana and Jamaica, an elective system already exists, and it will be introduced into Trinidad at an early date. When you turn to the Eastern Colonies, the memorandum shows that in Ceylon, under the revised constitution about to be issued, qualified British Indians will be eligible for franchise and election to the Legislative Council in the same manner as all other British subjects. Again in Mauritius, there is no distinction between British Indians and other British subjects as regards eligibility for franchise. In East Africa, you will find from the memorandum that in Uganda, the Legislative Council is not elective, but there is a restriction in the number or race of unofficial members who may be nominated to the Council; while in Tanganyika there is no Legislative or Executive Council. I cordially welcome on behalf of the British Government the proposal of representatives of India as far as the Colonies and the Protectorates are concerned.

Mr. MACKENZIE KING said: I would like to say that I think Canada fully appreciates the magnitude and the seriousness of a problem with which the Government of India and the Government of Great Britain are confronted in dealing with any question affecting

the status of Indians, and that our attitude, from the beginning, has been, and at present is, one of being exceedingly anxious to be helpful to the solution of any problem that may arise. His Highness the Maharaja of Alwar, speaking last week, referred to the manner in which we had recently taken up throughout the Conference some questions respecting immigration to Japan, and he said that, in his opinion, any of these questions of the status of political rights respecting resident Indians could be best settled by adopting a similar method. He referred, particularly, to an attitude of good-will being more important than anything else in the solution of these difficult questions. I think the Maharaja was entirely right in the attitude concerned. It gives me pleasure to say that we are most anxious to deal with the whole question in a spirit of mutual understanding and good-will. I have in my hand a report that I made to the Government of Canada in 1908. It relates to immigration to Canada from the Orient, and immigration from India in particular. It was the result of a visit which, at the instance of the then Government of Canada, it paid to England to confer with the Secretary of State for India as regards the question of immigration from India to Canada. If I may be permitted, I would like to read the concluding paragraph of this report, because it sets out the attitude, at that time fifteen years ago, which we took towards questions affecting our fellow-British citizens from India. Nothing could be more unfortunate or misleading than that the impression should go forth that Canada, in seeking to regulate a matter of domestic concern, is not deeply sensible to the obligation which citizenship within the Empire entails. It is the recognition of this obligation which has caused her to adopt a course, which, by removing the possibilities of injustice or friction, is best calculated to strengthen the bonds of association with several parts and promote the greater harmony of the whole. In this, as was to be expected, Canada has not merely the sympathy and understanding, but the hearty co-operation, of the authorities in Great Britain and India as well. I should say, perhaps, that after conferring with the Secretary of State for India in London at that time as regards this question, I subsequently, at the instance of the Canadian Government, went to India to take up with the authorities there the question of emigration of Indians to Canada, with a view to seeing whether we could not work out a solution which could avoid anything in the nature of legislation which might be misunderstood or regarded as invidious in India, and I am happy to say that we were able, as a result of conferences, to come to an understanding between the two Governments which was as satisfactory to the Government of India as it was to the Government of Canada. If it was possible to do that as regards the difficult question of immigration, I think it ought to be possible for us similarly to effect a satisfactory solution in respect of any of these other questions that may arise, and it is from that view-point that I hope that my colleagues from India will feel that the Canadian Government is approaching this particular subject.

Lord Peel, in his remarks, said, I think very rightly, that what Indians felt more than anything else was that the disabilities under which their countrymen lived appeared as a brand of social inferiority. The extent to which that is true depends very largely upon the nature of the disabilities and the circumstances which account for any that may exist. May I say at once as regards Canada that in the eight Provinces out of nine which comprise the Dominion, I am not aware of any legal or political disability under which any Indian resident in

Canada suffers, and as regards the ninth Province, I am not aware of any legal disability of any kind. The Federal Law relating to franchise sets it down that any Indian who served in His Majesty's Forces, Military, Naval, or Air, is entitled to the franchise. I mention this as evidence of the fact that our citizens appreciate the service that India has rendered to the Empire and desire to acknowledge them wherever possible.

May I say a word with regard to the way our franchise has been developed? The Dominion is the result of bringing together of a number of Provinces, and the party to which I belong, the Liberal Party in Canada, has taken the position that it is necessary, wherever it is possible, to recognise the wishes of the Province in matters pertaining to the Franchise Act, which, for many years, recognised for Federal purposes only the franchise prevailing in the Province. We had not a separate franchise for the Dominion. We took for the Dominion the provincial franchise as it existed, with the result that, in some Provinces, some classes had the right to vote who had not the right to vote in others, not on account of race, but owing solely to the fact that for their own reasons certain Provinces thought it well to limit the franchise in certain particulars. The late Government, which represented the opposite view in some particulars, changed somewhat the Franchise Law a few years ago, and endeavoured to enact the federal franchise, which would be applicable generally throughout the Dominion. They provided that women, for example, should have the right to vote on Federal matters. Those of us who held to the recognition of Provincial enactments opposed that attitude. We said that it should still be left to the Provinces to determine, as regards the franchise to be given to women, as in all else, what they thought best. However, the Government of that time did carry the provision which made the law in this matter for the exercise of franchise by women generally applicable. Notwithstanding this, that very Government, having regard to the conditions of the Province of British Columbia, and in order to avoid a serious situation arising there, which might have been misunderstood in other parts of the Empire, found it necessary, as regards certain provisions affecting the Federal franchise in the case of British Columbia, to make exception to this general application. I mention this, because it discloses how, in one Province, a particular question may become a burning political issue; for, the Federal Government, in trying to deal with it in a manner which will be regarded as coercing any Province, would give rise to an entirely new question. For example, if the Federal Government had tried, in respect of all persons resident there, to impose in the Province of British Columbia, certain obligations such as, for example, the right to vote under the Federal franchise, the issue would not in public discussion have been the question of the franchise at all. It would have been the question of coercion by the Federal Government of the Provincial Government, and you would have had a political battle fought on the basis of what we speak of as provincial rights. I am sure that all around this table will appreciate that that time of political conflict is one of the most dangerous that the country can be faced with. It is as though Britain were trying to impose certain obligations on Canada, or some other part of the Empire. In dealing with the Provinces, we, of the Federal Government, seek as far as we can to prevent anything in the way of coercion. I think it is as well to mention this, because it helps to explain why in one Province it has not been possible hitherto to concede franchise to Indians who are there. As to how Canada's

action may be viewed in India, it seems to me to be very much a matter of interpretation and the spirit of interpretation. I could go to India and say with truth that every citizen coming from the State over which the Maharaja of Alwar rules has the rights of citizenship in my Province, which I have not in his. That is a point which cannot be brought out too clearly. In the eight Provinces out of nine in Canada, every Indian resident there has the same rights as the other Canadian citizens, but that is not equally true of Canadians resident in India. If this aspect is put before the people of India, they will see that the reciprocal method of dealing with this question, as pointed out by General Smuts, is one which perhaps presents a line along which we can proceed most satisfactorily. So far as Canada is concerned, we would not ask for our citizens resident in India any right which we are not prepared equally to concede to Indian residents in Canada. I think you may take that as a fundamental basis on which we would be prepared to deal with this question. We hold to this reciprocal point of view, because, in all things, we found it to be one of the most satisfactory methods of dealing with a question of this kind.

#### BRITISH COLUMBIA

So far as British Columbia is concerned, the problem is not a racial one. It is purely economic. Labour forces in British Columbia are very strong. That Province had industrial problems of a character which no other Province in the Dominion had, and what the Labour people are aiming at is, I think, to maintain certain industrial standards which they sacrificed much to acquire. As regards some of those who come from other countries, they are rather fearful until at least they had resided sometime in Canada and acquired our methods of living, our customs, habits and so forth that to give them the rights of franchise in full may mean that the standard already maintained may be undermined.

I would like to make this clear. It may seem that I am straining a little in emphasising the possible political consequences of giving the franchise to resident Indians in British Columbia, but take the actual situation as it is in Parliament to-day. When we came into office, I had a majority of one behind me in the Commons. I think we have a majority of three at the present time. Many constituencies were very close. It is conceivable that in British Columbia differences in the result might be material by increasing a certain vote in some constituencies. In other words, were the subject to become one of political discussion, I think it would be possible for a political orator to make it quite apparent to the people of British Columbia that the fate of the Federal Government might depend on the vote cast by Indians resident in that Province. It would not be an exaggeration, it would not be a figure of speech. It is the literal and absolute truth that it is conceivable that the complexion of Parliament, as it is to-day, might be entirely changed as a consequence. It might be that one Government, rather than another, would be in office by the vote of those who, neither in their own country, nor in Canada, have ever exercised the franchise. That is the situation which exists at the moment. I don't expect that it will exist very long, but it all helps to show the difficulty with which we are confronted when we contemplate in any immediate results which, we all hope, will be effected in course of time. It is for that, among other reasons, that I appreciate the method of approach which Sir T. B. Saprú has adopted in bringing his suggestion before

the Conference. He has appreciated, I think, our difficulties as well as his own, and in suggesting that there should be a Conference between the representatives of India and the representatives of Canada I think he had in mind enabling the citizens of India to appreciate just the kind of circumstances which governed our actions quite as much as having our citizens to appreciate his difficulties. That is the sort of approach and attitude which permits us to get together, and I should be surprised, if in dealing with this question in that spirit we could not work out a thoroughly satisfactory solution. There is one point I ought to make quite clear, and that is, the extent to which my hands are tied in dealing with this question. The Resolution passed by the Conference two years ago, in the minds of some present, committed the Dominions to giving franchise to Indians. It was, they allege, in the nature of a general commitment. It is all-important that we should know whether that was the intention of the Resolution or not. I think, in the first place, we should be very careful of the resolutions that are introduced or passed, and I think when once they are passed, we should do our utmost to see that any hopes to which they may give rise are not destroyed. In the House of Commons, I asked my predecessor neighbour his interpretation of the Resolution of 1921. I have before me the *Hansard* of June 29th, 1923, which contains the record, and with the permission of the Conference, I shall read from it.

"Mr. Mackenzie King.—May I ask my honourable friend one question? The Resolution of the Conference or at least one clause is as follows: "This Conference, accordingly, is of opinion that in the interests of the solidarity of the British Commonwealth, it is desirable that the rights of such Indians to citizenship should be recognised." The Member for George Etienne Cartier, Mr. Jacobs, has said, that those words imply an undertaking on the part of this Parliament, or rather on the part of Canada, to see that the Federal franchise is granted to Indians in British Columbia. Is that correct or not?

Mr. Meighan:—"The words are English, and the words are simple. I understand them fully, and if the Premier does not, I must leave him just where he is.

Mr. Mackenzie King.—"I think the House is entitled to an answer from my Right Honourable Friend. He has represented this country at the Imperial Conference. He knows better than anyone else what interpretation he placed on these words. I ask him, seeing that he represented Canada at the Imperial Conference when the Resolution was passed, whether Canada was giving an undertaking of Indians in British Columbia to the effect that they should be entitled to the franchise?"

Mr. Meighan.—"No human being understood anything of the sort. The words are very plain, and there is no misunderstanding them."

I should be taken very seriously to task if, when I returned to Canada, it could be said that I had placed an interpretation on that Resolution which the Prime Minister of Canada, who was present at the time it was passed, was unwilling to have placed upon it. I think Mr. Meighan has taken his attitude from the words: "It is desirable, that the rights of such Indians to citizenship should be recognised." If that means we would all like to see it done. That we hope it may be done. I think I can agree with him in this expression of such a wish. On the other hand, as to its constituting an actual pledge, I am



bound to take the interpretation which Mr. Meighan himself gives and places upon it. I should perhaps say that I presented that point of view to the Rt. Hon. V. S. Srinivasa Sastri when he was in Canada and my recollection is that Mr. Sastri did not maintain that the Resolution constituted a pledge which obliges the Federal Government to give the franchise to resident Indians, but rather it expressed what the Conference hoped it would be done by the different Dominions as opportunity offered. May I say just a word in regard to Mr. Sastri's visit? We were pleased to welcome Mr. Sastri to Canada, and we sought to give him the fullest opportunity to speak publicly wherever he wished to do so, to confer with any persons whom he might wish to meet, and we were glad to have him in Conference with us in the Cabinet, so that we could explain very fully all the considerations of which we had to take into account. I think Mr. Sastri appreciated our situation better in view of having seen the conditions for himself and having talked with many persons in the different parts of the Dominions.

#### CORRESPONDENCE WITH MR. SASTRI.

I cannot do better, in setting forth our Government's attitude, than read to the Conference, and place on record the letter I wrote to Mr. Sastri just as he was leaving the Dominion. It is dated Ottawa, September 5th, 1922, and reads thus:

"DEAR MR. SASTRI,—In reply to representations made by you at an interview with my colleagues and myself on Friday, last week, and which were the subject of further conference between us yesterday, I desire to assure you that at the earliest favorable moment the Government will be pleased to invite the consideration of Parliament to your request that the natives of India resident in Canada be granted Dominion Parliamentary franchise on terms and conditions identical to those which govern the exercise of that right by the Canadian citizens generally. The subject is necessarily one which Parliament alone can determine. It will be submitted to Parliament for consideration when the Franchise Law is under revision. In conveying to the Government of India an expression of the attitude of the Government of Canada in this matter, we hope you will not fail to make it clear that at the present time, in eight out of nine Provinces of which our Dominion is composed, general franchise is granted to the natives of India resident in Canada on terms which are identical to those applicable generally to Canadian citizens.

Yours Sincerely,  
MACKENZIE KING."

You will observe that we have promised Mr. Sastri that when our Federal Franchise Law comes up for revision, we will take care to see that Parliament is fully informed of his representations and wishes, and we will seek to have those representations and wishes given every consideration. It is probable that the Dominion Franchise Act will come up for revision at the approaching session of Parliament. I told Mr. Sastri that it was hardly probable that it would come up at the last session, but I thought that it would come up in the next session.

If the course we anticipate is followed, the Franchise Act will be referred to a Committee of the House, and that Committee will be in a position to hear any representations that may be made to it. My friends from India will have to decide for themselves what is likely to be best to their own interests in the matter of having the Committee visit Canada, and take up this matter anew. I say that for the reason,

that I am not so sure, that Mr. Sastri's visit made it easier for us to deal with this problem. I would put it this way. Mr. Sastri's visit helped to direct the attention of the country to something, which I imagine, the greater part of the country, knew nothing about. I doubt, if the majority of Canada were aware that in the Province of British Columbia, for example, Indians had no franchise. They may have known in other Provinces that they had the Franchise, but the question of the few in British Columbia not having the franchise would hardly be known to any extent outside that Province. Once, however, that Mr. Sastri began delivering speeches, Labor Councils from one end of country to other began to receive communications from labor organisations of British Columbia, asking them to take care to see that such standards as labor had won in British Columbia were maintained.

The forces that were opposed to the granting of franchise to Indians became organised in a way they had not been before. Whether that same result might follow the visit of the Deputation from India, I cannot say. It might or might not, but should our friends from India think that it will help them to have a Delegation come to Canada to confer on the subject, we shall be most happy to appoint a corresponding group to meet and confer with them. If it were their desire to have their delegation given an opportunity of meeting the Parliamentary Committee, whereto the matter will be referred for consideration, I should be glad to see, if time so permitted their visit, that they were given a chance to meet the members of that Committee and confer with them at Ottawa. In other words, we would be only too happy to give any group which may come from India, or any person she may send, most ample opportunities to discuss with our public men all aspects of this particular question. I say this, having regard to the method of approach that Sir T. B. Saprú has presented to us here. He made it clear that the Committee would come for the purpose of exploring the avenues and ways and means to reach the ultimate result. He should recognise that we may have to take time over this matter, but I would like him to believe that we are sincere in hoping that we will be able to meet his wishes.

In seeking to do so, we may have to proceed step by step, but the Canadian people as a whole are, I am sure, really desirous of meeting our fellow British citizens from India in every reasonable particular. I have not the slightest doubt about that. Perhaps, I may be permitted to say just one word in conclusion. Sir T. B. Saprú spoke very feelingly the other day about the political freedom and desires of India in the matter of Self-Government. When I was in India, I heard a good deal of discussion that was going on. Let me say that I have natural sympathy with the desires of people to have the right to manage their own affairs. Were I a citizen of India, and this is what I felt most at that time, I should feel, above everything else, that in India being part of the British Empire, there lay the surest guarantee that this desire for Self-Government will be realised in course of time in a manner, which to India herself, would be the most effective and helpful. It is inconceivable that the opinions represented at this table and the views of different Dominions represented here should not accord with the aspirations of Self-Government. There is this, however, which, I think, we have to remember, and which those of us in the Dominions have had occasion to realise, that our Dominions have been peopled largely by citizens who have come from British Isles, and that those who have been most active in effecting Reforms

themselves come with ideals which it took their ancestors many years to work out in this old land.

Our struggle for Responsible Government in the Dominions was largely a continuation of the lost struggles of several centuries in the British Isles, and I think the evolution of Self-Government in the Dominions has become what it is largely because of the long process of political training through which in previous years the peoples of the British Isles passed. For that reason, I hope our friends in India will appreciate that here again time may be a helpful factor in working out what, in the long run, in the interests of India herself, will be the surest and best guide to complete Self-Government.

Mr. BRUCE said: Mr. Prime Minister, I would like to preface the few remarks I wish to make by congratulating the representatives of India on the very eloquent and temperate manner in which they stated the case which they have presented. This question is not one which vitally affects Australia as it does South Africa. I desire, however, to refer to the Resolution on the position of Indians adopted at the Conference of 1921. The Resolution commenced by reaffirming the previous Resolution of 1918 that the Government of each community of the British Commonwealth should enjoy complete control of the composition of its own population by means of the restriction of immigration from any of the other communities. It then went on to recognise that there was incongruity between India's position as an equal member of the British Empire and the existence of disabilities upon British Indians lawfully domiciled in some other parts of the Empire.

The resolution recorded the opinion that in the interests of the solidarity of the British Empire it was desirable to recognise the rights of such lawfully domiciled Indians to citizenship in their countries of domicile. This Resolution was concurred in by representatives of Australia. The object of the representatives of India at this Conference in bringing forward the question of the status of Indians is, as I understand, to further investigate the question of the means for giving practical effect to that part of the Resolution which refers to the recognition of the rights of citizenship of Indians lawfully domiciled in other parts of the Empire.

As far as Australia is concerned, this question has been subject to considerable public discussion, and representatives of every shade of political thought have shown sympathy with the claim that lawfully domiciled Indians should enjoy full citizen rights. As the question did not figure in the preliminary agenda of the Conference, I have not had the opportunity of consulting my colleagues or my Parliament upon it. I believe, however, that Australian public opinion is ready to welcome, so far as the position of Indians domiciled in Australia is concerned, any measure which is conceived in the interests of Empire as a whole. The number of Indians in Australia is small. There are only two thousand of them. From the purely Australian view point, the problem is a small one, but it is recognised that this is a part of a larger Imperial problem. It is not the question of admitting fresh Indians within our territory that would be contrary to the fundamental principles which animate the people of Australia, and must govern the policy of any Australian Government. Nor, as I fully understand it, is there the slightest shadow of suggestion that immigration of Indians into Australia is desired by the Government or by the people of India. It is simply a question of satisfying the legitimate

aspirations of the few Indians who are already lawfully domiciled in our midst, and contributing by this action, to the solution of an Imperial problem by the removal of anomalies which, as I understand, are felt very keenly in India, in view of her new status as an integral part of the Imperial Commonwealth.

India is no longer a mere dependency, but one of the component members of the British Commonwealth of Nations. We have the greatest admiration for the efforts put forth by India in the late War, whereby she won her new status. I need only refer to her contributions in men, money, and material, her recruitment on a voluntary basis of something like one and one-third million men, the services which her army rendered by sending more than a million Indian troops overseas to all the theatres of War, and her free gift to the Imperial Exchequer which added, as I am told, over thirty per cent. to her National debt at that time.

Apart from these material aids, the moral value of the part played by India in the War cannot be over-estimated, and the vast masses of Indian people have always been conspicuous for their loyalty to the British Throne, but their whole-hearted and voluntary participation in the world conflict undoubtedly afforded a striking proof of this to both foes and friends alike. Even apart from that, there is the welcome evidence that in its hour of need the Empire may rely on India as a strength and support, instead of a source of weakness as our late enemies dared to hope.

I wish to emphasise that the people of Australia have always had the greatest respect for India's traditions and culture, her attainments in the world of thought and achievements in action, in a word, for her civilisation, which, while reposing on such ancient foundations, has at the same time shown itself capable of progress and adaptation to the needs of the modern world. That civilisation is not identical with ours. It is the oldest, and it is the civilisation of the East rather than of the West. It is not a policy founded on feelings of race or color, but it is motivated by economic considerations which appear to be clear and cogent.

I have said that the civilisation of the East, though older and possibly in some respects superior, is different from that of the West and, among other things, this implies a well-marked difference of economic standards. Asiatic immigrants would be able to work and support life with that. To them it would represent a high degree of comfort under conditions and wages which would make it impossible for the workers of European descent accustomed to European standards to compete with them. If, therefore, Asiatic immigrants were admitted, it would be impossible to provide employment for Europeans. They would be ousted from the labor market, and our population, and with it our institutions and our civilisation, would gradually lose their original European character which we are naturally determined to do all in our power to preserve. It is for this reason that the Commonwealth Parliament has passed enactments which effectively prohibit immigration of Indian or other Asiatic settlers or laborers, and it is for this reason we welcomed the Resolution of 1918 reaffirmed in 1921, whereby the Imperial Conference recognises the right of each Government to control the composition of the population of its country by means of restriction on immigration from other communities of the Empire. That Resolution was accepted by India and the Government of India have never swerved in their loyal acquiescence and co-operation with us in our policy. Viewing the relations of India with other parts

of the Empire as an Imperial problem, we appreciate that the maintenance of the immigration policy is only one side of the question. On the other side, we have the desire of India to see the grant of political and other rights of citizenship accorded to her sons, who have already, and in some cases for many years past, been legitimately domiciled within Australia. This desire is largely satisfied in the principle of the Resolution of 1921. The Resolution, together with the Resolution of 1918, must be regarded as inter-dependent parts of a single endeavour to promote harmonious relations between the Dominions and India by securing the immigration policy of the former on the one hand and by removing the cause of any ill-feeling in India on the other. The object of both the Resolutions, as I regard them, is to foster cohesion of the Empire as a single unit comprehending within itself not only certain communities of European race, all inspired by Western ideals and civilisation, but also uniting in one system the different ideas and elements of strength and potentialities of progress towards the common good which the Empire is happily able to draw from the Eastern as well as Western sources.

In view of the position which exists in Australia and consideration which has been given to the question, there is no necessity for a committee further to discuss the matter such as has been suggested by Sir Tej Bahadur Sapru. While I appreciate the spirit in which it is put forward, I don't think that in the special circumstances of Australia, there is any necessity for such action.

#### NEW ZEALAND'S ATTITUDE.

Mr. MASSEY said: I should like, and I have no doubt other members of the Conference feel as I do, to express my appreciation of the eloquent speeches delivered by the representatives of India. I am especially impressed by the fact, which was very evident, that while they were insistent in looking after the interests of India, they spoke as patriotic British citizens. I do not think there will be very much difficulty in the plan. I am thinking now of the proposals that the Committees representing the Dominions should meet a Committee representing India. I am speaking more particularly for my own country and I would like to endorse that, so far as New Zealand is concerned, we are practically giving the natives of India resident in New Zealand the same privileges which are enjoyed by the people of the Anglo-Saxon race who are settled there. There is practically no difference between them. If there is, or ever has been at any time, any objection to the natives of India coming to New Zealand, those objections have been raised for economic reasons such as have been referred to by the Prime Minister of Australia. The workers in New Zealand are naturally anxious to maintain the present standard of living and, if there happened to be a large influx of the natives of India at any time, they have an idea that such a standard might become lowered. They are naturally anxious, and I am bound to say the New Zealand Parliament is also anxious, to prevent anything of that sort happening. There is no such thing as race prejudice or any thing of that sort. So far as the aboriginal natives of New Zealand are concerned, they are in exactly the same position as European residents in New Zealand. They have the same privileges in regard to Parliament, and in connection with local affairs, I have heard it stated that as a matter of fact there is an impression in India that the representatives of the Indian Empire at the Imperial Conference do not occupy the

same position as the representatives of the Dominions or other parts of the Empire. Now, I think that ought to be contradicted emphatically. We, who represent the Dominions, and I know I can speak for those who represent the United Kingdom and Colonies as well, are anxious that the representatives of India sitting at this historic table should enjoy all the privileges that we enjoy and should have exactly the same position. I think that ought to be made perfectly clear in India. I know this that India has become, during recent years, a fruitful hunting-ground for agitators.

I am not thinking of Indian agitators when I say that, because I know and it is nothing to be proud of that some of the people of our own race have taken prominent part in fomenting trouble in India and not only in India but in these British countries where a number of natives of India have become located. There are not many opportunities in my own country, but I have known people of our own race to be doing their level best to stir up trouble with the natives of India.

Fiji is our neighbour, and there is a large number of Indians there. I am not speaking for Fiji, but would only say this, that I have the best of reasons for knowing, I know it officially, that Europeans frequently have been doing their level best to foment disturbances in Fiji. I am simply speaking of labor troubles and difficulties of that sort. Once troubles are started and when strikes take place, we, who have had experience of these industries troubles, never know where they are going to end, and they sometimes stir up trouble which is not forgotten for a very long time afterwards. My opinion, I speak as a British citizen and not only as a representative of New Zealand, is that we should do everything possible to make the natives of India feel, whether here or in India itself, that we want to treat them with justice, and that we want to do everything that is fair, right and proper as far as they are concerned.

I know perfectly well that when we think of Government by Indians, we have to remember, and I think it was the Maharaja who expressed this opinion, that if development is to take place, it will not be quite by what is called Western methods.

We can understand that, when one remembers the huge population of India, the number of races which are there, the number of languages that are spoken and the different religions. I have often thought that it might be desirable, when the time comes, to let India be divided into a number of Dominions rather than remain one State or Empire, as it is at present. I have not been to India, and I only look at it from outside. The European resident of India and the representatives of India themselves know very much better than I do what will be necessary in the times to come, to enable Indians to attain the position they desire to occupy.

I was very much struck with the concluding remarks of Lord Peel, and I have not forgotten that when the destinies of the British Empire were trembling in the balance, there was no hesitation on the part of India to do her duty, I will not say, to come to its assistance, because when they were fighting for the Empire, they undoubtedly did their duty, in a way which was admired in every part of the Empire, and by everyone of its races. The Prime Minister of Australia has mentioned the number of men who were sent, and the amount of money contributed by the Indian Empire itself, and on that account, I am quite sure that the representatives and the patriotic British ci-

tizens, to whichever part of the Empire they belong, will always be desirous of upholding the wishes of the people of India and assisting in the development they so ardently desire.

I do not know whether it can be done for some time or not. Probably, hurrying up matters might do more harm than good. So far as the Committees are concerned, when Mr. Sastri was in New Zealand, he had the opportunity of meeting both the branches of the legislature, and the opportunity of saying everything he chose to say to them. He said that, so far as New Zealand was concerned, he then had practically no fault to find. I hope later on the same thing may be said of residents in other parts of the Empire.

I was present, of course, when the original arrangement was made in 1918. I was present when it was reaffirmed in 1921, and by that, we desire to stand. If any improvements can be suggested with regard to what is in operation at present, I have not the slightest doubt but that the representatives of the British Empire here will consider them. I do not know whether anything of that sort is intended at present, but I wish to assure the representatives of India that, so far as we are concerned, there is no desire to keep them in the back-ground, but to give them all the privileges that British citizens in other parts of the Empire enjoy. I should like to say that I do not intend to interfere in the matter of Kenya. The position in South Africa stands by itself, and I am not an able judge of it. I can only say that I should like to do anything I possibly can, to bring about better understanding between the two races in South Africa, those representative of the European race and those representative of Indians. If we can do anything at all, we shall only be too glad to do it.

#### GENERAL SMUTS.

General SMUTS said: I desire to pay my tribute also to the earnestness, eloquence and the ability of the speeches that have been made here by representatives of India. The proposal, which has been made by Sir T. B. Saprú, does not concern South Africa and therefore, I do not think it necessary for me to detain the Conference for any length of time. As, however, the subject is a very difficult one, I may perhaps be allowed to say a few words in reference to the general situation. The Maharaja has said very rightly, that what this question requires is understanding, understanding not only of the difficulties and the special position of India, but also of the difficulties and the special position of other British communities, and I think a few words of mine might not be out of place here.

So far as I can judge, the atmosphere has really become worse in the last two years for a resolution of this question. In South Africa, undoubtedly, it has become worse. That is due, partly to the visit of Mr. Sastri and his speeches in the various parts of the Empire, to which I do not wish to refer with any partiality. The Prime Minister for Canada has said what the effect of the visit has been in Canada, and in South Africa it has undoubtedly emphasised the difficulties that existed before. That was one of the reasons why I thought that it might not be wise for Mr. Sastri to come to South Africa. Our difficulties are great enough, as they are.

There was another circumstance which has affected the attitude and the atmosphere in South Africa very considerably, and that is the Kenya question. There is no doubt that, in South Africa, a profound sympathy was stirred up for Kenya. Here you have a very small British community, a handful of settlers, who find themselves pitted against the mighty Empire of India, who find themselves against overwhelming forces, and who, although they are the most loyal community in the British Empire, consisting mostly of ex-Army men, had, in the end, to go to the length of almost threatening force in order to maintain their position. The sympathy that was aroused and stirred up for Kenya in South Africa has had a very serious repercussion there on the Indian question as a whole.

I have no fault, whatever, to find with the attitude either of the Colonial Office or the India Office here. I have nothing but praise for the way they handled this very difficult situation, and the settlement that was come to was, I think, a wise compromise, and so far as my influence went, I used it with the people of Kenya to get them to accept the settlement, as they have accepted it. But I must say quite frankly that I have been very much perturbed over the attitude adopted by the Indian Government in this matter. They pressed the case against Kenya in a way which seemed to me to exceed the limits of prudence and wisdom, and when the settlement was ultimately made, language was used with regard to it which, I think, would certainly not help the cause of loyalty either in India or anywhere else in the Empire. The whole incident, as I say, has had a very bad effect in South Africa.

The difficulties, from the African view point, are very great. Sir T. B. Saprú has said, and quite rightly, that the majority of the population of the British Empire are colored. That is so, but let me make this remark. All through the very able and moderate argument of Sir T. B. Saprú, he referred to this color question, and the indignity which was either openly, or by inference, inflicted on those British subjects who have color. Well, I wish to say that so far as we in South Africa are concerned, it is not a question of color. It is a different principle that is involved.

I think that every thinking man in South Africa takes the attitude, not that the Indian is inferior to us because of his color, or on any other ground. He may be our superior. It is the case of a small civilisation, a small community, finding itself in danger of being overwhelmed by a much older and more powerful civilisation, and it is the economic competition from a people who have entirely different standards and viewpoints from ourselves. From the African viewpoint, what is the real difficulty? You have a continent inhabited by a hundred million blacks, where a few small white communities have settled down as pioneers of European civilisation. You cannot blame these Pioneers, these very small communities in South and Central Africa, if they put up every possible fight for the civilisation which they started, their own European civilisation. They are not there to foster Indian civilisation. They are there to foster western civilisation, and they regard as a very serious matter anything that menaces their position, which is already endangered by the many difficulties which surround them in Africa. In South Africa, our position, in a nutshell, is as follows. In the Union, we have a Native population of over six million. We have a white population of over one-and-a-half million, and we have an Indian population of something like 160 thousand, mostly confined to



one Province, to the most British province in the Union, the Province of Natal.

Mr. Sastri, in one of his somewhat outrageous statements, referred to this as a Boer Empire, an Empire which is swamped by Boer ideals. Well, the fact is that Indian difficulties have mostly arisen, and continue to grow, in a part of South Africa where there are almost no Boers at all in an almost purely British community. But you have, in this Province of Natal, a majority of Indians, and a minority of British settlers, and whatever the mistakes of the past may have been, the grand-children of to-day do not plead guilty to the errors of their ancestors, and they want to right the situation and safeguard the future for themselves and their children. What is the position?

In the Cape of Good Hope, and the Cape Province, we have a franchise, a property and income and liberty franchise, and in that Province, Indians are on exactly the same footing and have the same franchise as the Whites. No difference is made, but in the other three Provinces of the Union, we have manhood suffrage.

In the two Provinces of the interior, the Transvaal and the Free State, the franchise was laid down by the British Government, and not by ourselves. When we received a Constitution after the Boer War many years ago, this Constitution contained manhood suffrage, and that has remained the state of affairs up to to-day, and will probably remain the state of affairs for a long time. The tendencies in South Africa, just as elsewhere, are all democratic. You cannot go back on that manhood suffrage. Once it has come, you will probably pass on from manhood suffrage to universal suffrage. That was the act of the British Government and not of the people of South Africa. How are you going to work that in with an Indian franchise? If an Indian franchise is given, it has to be identical. No differentiation would be allowed by Indian public opinion, and quite rightly. Well, the result would be that in Natal, certainly, you would at once have an Indian majority among the voters, but our difficulty is still greater. You have a majority of blacks in the Union, and if there is to be equal manhood suffrage over the Union, the whites would be swamped by the blacks. You cannot make a distinction between Indians and Africans. You would be impelled by the inevitable force of logic to go the whole hog, and the result would be that not only would the whites be swamped in Natal by the Indians, but the whites would be swamped all over South Africa by blacks, and the whole position for which we have striven for two hundred years or more would be given up now.

So far as South Africa is concerned, therefore, it is a question of impossibility. Sir T. B. Saprú and his colleagues say, quite rightly, that for India it is a question of dignity. For South Africa, for white South Africa, it is not a question of dignity, but a question of existence, and no Government could, for a moment, either tamper with this position or do anything to meet the Indian viewpoint.

#### 1921 RESOLUTION A MISTAKE.

That is why, I think, the resolution passed in 1921 was a mistake. I thought it then, I still think it a great mistake. We got on the wrong road there. For the first time, we have passed a resolution through this Conference by a majority. It has never been done

before, and I do hope, it never will occur again. Our procedure in this Conference has been by way of unanimity. If we cannot convince each other, we agree to differ, and let the matter stand over. But, for once, we have departed from that most salutary principle which I consider fundamental to the whole Empire, and we passed that resolution by a majority. I had to stand out, but that has made things worse in South Africa. South Africa now certainly sees that she has to stand to her guns much more resolutely, than she would have done otherwise. I think we made a mistake in 1921, and that is why I suggested the other alternative in the consideration of this subject.

Sir T. B. Saprú said that I was subtle, and my memorandum was a subtle one. I am not subtle and my memorandum, I thought, was a truism. All I said was this. There is one British citizenship over the whole Empire, and there should be. That is something solid and enduring, but we must not place a wrong interpretation upon that. We must not derive from the one British citizenship, rights of franchise, because, that would be a profound mistake. The attitude has been that franchise does not depend upon British citizenship. It is only in India that this position is not understood. Indians go to the length of deriving from their British citizenship the further notion of equal franchise rights too, and they claim that they may go from India to any other part, and enjoy the same franchise rights as other portions of the Empire. I think that is wrong, not only as regards India, but as regards every part of the Empire. I do not think that an Australian, for instance, should come to South Africa, and claim the franchise there, as a matter of course. He is a British subject, and in that footing, we are equal in the eye of law, but when it comes to the exercise of political franchise rights, I think, there is a great difference and distinction, and we should recognise that, and where a distinction is carried into actual practice, as it is in South Africa, it should not be looked upon as an indignity, as a reflection on the citizen of any Dominion, including India, who comes to us and who does not get those rights. That is really all that I wish to say about this matter.

I noticed in Sir T. B. Saprú's statement a remark which almost looked like a threat, that if India fails in forcing on us the view which she holds so strongly, then she may be compelled to make it a question of foreign policy. Well, I would say this, that you cannot have it both ways. As long as it is a matter of what are the rights of a British subject, it is not a matter of foreign policy. It is a matter entirely domestic to the British Empire. If it becomes a question of foreign policy, then Indians cannot claim on the ground of their British citizenship any more the recognition of any particular rights, once they appeal to a tribunal, whether it be the League of Nations, or whether it be outside the British Empire. They can no longer use as an argument the common British citizenship. I want to keep it there. I want it to be recognised that you must not derive from that citizenship claims that you cannot uphold. Let me just say this in regard to what fell from the Maharaja of Alwar. He said that if we do not invite him he will invite himself.

Maharaja of Alwar: I did not quite say that.

Gen. Smuts: Let me say this Maharaja, nobody would be more welcome in South Africa than you would, and I would welcome nothing more than that you should come as a great representative

of India to look into the conditions of South Africa yourself, convince yourself of the situation there, and convince yourself also that apart from the far-reaching political difficulties we have, our fundamental attitude towards our Indian fellow-citizens is one of justice and fair-play.

I do not think, our Indian fellow-subjects in South Africa can complain of injustice. It is just the opposite. They have prospered exceedingly in South Africa; people who have come there as coolies, people who have come there as members of the submerged classes in India, have prospered. Their children have been to school. They have been educated, and their children and their grand-children to-day are, many of them, men of great wealth.

I noticed the other day that the Rev. C. F. Andrews, who is a great friend of the Indian cause in South Africa, publicly advised Indians in South Africa not to go back to India. The Government of South Africa actually pay for their tickets, give them pocket money and other inducements in order voluntarily to return to India, and thousands avail themselves of that policy, and return to India. That gentleman, who is a great protagonist of the Indian cause, has publicly advised Indians not to fall in with that policy. He says you will be worse off in India. I quote this to show that there is no unfairness, no injustice to our fellow-citizens in India, but when they come forward and make claims which, politically, we cannot possibly recognise, our attitude of friendliness will worsen, and the position as regards them will become very difficult and complicated.

Maharaja of Alwar: I should just like to get my mind a little more clear on one point, and that is, with regard to the settlers in Natal, who have built their houses, invested their money, and spent their lives there. What would you propose about them?

Gen. Smuts: They have all the rights, barring the rights of voting for Parliament, and the Provincial Councils, that any white citizens in South Africa have. Our law draws no distinction whatever. It is only political rights that are in question there. As I explained to you, we are up against a stone wall, and we cannot get over it.

### IRELAND'S ATTITUDE

Mr. FITZGERALD (Ireland) said: Mr. Prime Minister, in our country, I do not need to say, we have no racial distinctions at all. Indians in Ireland have the same position as Englishmen or South Africans. It seems to me that this matter falls, more or less, into two classes. There are the Indians in the Dominions, and Indians in the Colonies, Mandated Territories, etc. Now, we recognise the Dominions as independent sovereign countries having a perfect right to look after their own affairs, and we really have no right to interfere there. And Mandated Territories and Protectorates are controlled by the British Government, and we have no responsibility. So, all I can do really is to give an opinion. We have no responsibility in the matter, but if we had any responsibility, we should have to protest very strongly against any racial distinctions being made. We, who are not Anglo-Saxons, have suffered a good deal in the past from being treated as an inferior race.

Putting myself in the position of the Indian, I do not think Indian representatives here are of an equality with us, because they are not really here in a representative capacity. They are not really sent by

an independent Indian Government, and they cannot really be regarded as equal with the rest of us. If I were an Indian, putting myself in their position, I would recognise that this hyper-sensitiveness that they have about their treatment outside India arises really from the fact that they have not, so far, reached the degree of Self-Government that the rest of us have reached. With regard to Indians in Protectorates, and so on, the Government which is primarily responsible for those places being the Government which is also responsible for India, it seems to us unjust that there should be any distinction drawn between Indians and other British subjects in these places.

At the same time, it seems to me that the only solution of this trouble, which comes from racial sensitiveness, is for Indians to be in a position to make real reciprocal arrangements and make bargain for bargain. The only way this Indian trouble is really going to be solved is for that progress towards Self-Government, whatever form of Self-Government they consider suitable for themselves, for that progress to be hastened with all speed so as to avoid what Sir T. B. Sapru and the Maharaja have indicated as revolutionary methods taking the place of evolutionary methods. We, in our country, most necessarily sympathise whole-heartedly with Indians, both in their protest against their inferior race treatment, and in their feelings as to the freedom of their country. We also recognise quite plainly here that we have no right to dictate to the other Dominions as to what they do in their own areas. That is all I have to say, Mr. Prime Minister.

Mr. WARREN (Newfoundland) said: I must add my congratulations to the Indian delegation upon the eloquence and the force of the speeches they made. As far as Newfoundland is concerned, we have no distinction whatever. As long as an Indian is a British subject, he can vote in Newfoundland in the same way as an Australian, Canadian, or New Zealander, or any body else. We have no restriction on emigration, and I may say that if an Indian is not a British subject, the mere fact that he is an Indian is no bar to his becoming naturalised and obtaining the vote in that way in Newfoundland. I do not want to express any opinion upon the internal affairs of any other Sister Dominion.

#### SIR T. B. SAPRU'S REPLY.

Sir T. B. SAPRU said: Mr. Prime Minister, I must tell you, and through you, your colleagues in His Majesty's Government and the Dominion Prime Ministers, that I could not have hoped to have had a better hearing here. Therefore, my thanks are due to one and all of you, even though it may not be that I see eye to eye with you in some of your remarks.

I will first of all refer to the speech delivered this morning by His Grace the Duke of Devonshire. I listened with deep interest to his speech, and let me express to him my thanks for the manner in which he has expressed sympathy with our general aspirations in this matter. His Grace was good enough to say that he did not want to mislead India in regard to Kenya, and therefore, he spoke frankly. I hope His Grace will pardon me if I also desire to be equally frank in giving expression to our position. I did not expect at any moment during the last few days that I have been working over this question, that I would go back with the Kenya decision

reversed. That was not what I was aiming at, but I want to make it abundantly plain that I do not wish the substance of my proposition to be affected. The language of the resolution is a matter for settlement, but it is the very essence of that resolution that Kenya must come in. Secondly, I want to explain that while His Grace had said that His Majesty's Government are not prepared to accept the resolution in regard to Kenya, my country will refuse to accept that decision as final. Thirdly, I will make it plain that the Committee I have proposed should, in conferring with the Colonial Office, have the widest scope. That is to say, it must discuss not only the questions affecting other Colonies, but also those relating to Kenya. Otherwise, I do not see how you can possibly satisfy my countrymen. That is all I wanted to say with regard to the Committee, and its dealing with the Colonial Office here.

## CANADA.

Well, I will now pass on from the Duke of Devonshire and the Colonial Office to the Dominion Ministers. I have listened with very great interest to the speech of Mr. Mackenzie King, and must thank him heartily for supporting me and accepting the substance of my proposal. There are just one or two words with regard to his speech that I would like to say. He referred to his view, or rather the construction put in his Parliament on the Resolution of 1921, and he read out a passage from Mr. Meighen's speech. Now, let me tell him that we are here sitting not as lawyers. Nor are we sitting in a court of law. Our functions are quite different. I suppose, we would claim that the functions of statesmen are very much higher than those of lawyers, although I myself happen to be associated with that noble profession. Now, the Resolution of 1921, I believe, was not drafted by a conveyancing lawyer. It was probably drafted by some one of the statesmen around this table, or by someone similar to a statesman, and I would like you and your Parliaments to approach it from the point of view of a statesman. I know that as a Prime Minister, and as a Party Politician, it may be safe to rely on certain phrases, but let me tell him that it would be a great mistake to dispose of it in those words as not morally binding upon him. I do not care whether they are legally binding upon him or not. I am inspired by the hope and particularly by the manner in which Mr. King has spoken, that the result of the conference of the Committee which we propose to send to Canada with the Committee going to be appointed there to consider questions of franchise cannot but lead to satisfactory results. I will not anticipate the verdict of the Conference of the two Committees, which Mr. King has to a certain extent, attempted to do. I will leave it entirely to the hands of the Committees to come to their own conclusions, and then will be the time for us to discuss how far we are in agreement, or how far we are separated. But I recognise his spirit of support and sympathy with me, and I appreciate that. I do thank you, Mr. Mackenzie King, for the spirit in which you have spoken this morning.

## AUSTRALIA.

From Mr. King, I shall pass on to Mr. Bruce, and let me express my unreserved admiration for the manner in which he has spoken this morning, and the tribute he has paid to my countrymen, and our civilisation. I note that he considers it unnecessary for my Government to send any Committee to his country, because

he thinks that the problem is such that it may be settled without any discussion. Well, that is encouraging to me, but I do venture to express a hope that if we do decide to send a Committee, just to place our case before him and his Government, he will not refuse to accept that Committee. We do not want to send a Committee to create any agitation in his country, nor for the matter of that, in any country. But if it is necessary for us to explain our position to you, and help you in the problem, for Heaven's sake, do not refuse to accept a Committee like that. We want simply to help you, and if without receiving a Committee from my Government and my country, you can solve the problem, so much the better for you, and so much the better for us, and so much the more creditable to you and your Government.

#### NEW ZEALAND.

Well, my thanks are also due to Mr. Massey. I hope Mr. Massey recognises that, in my speech on Wednesday, I thanked him. I very much appreciate his reference to the service of India during the War, and I do sincerely hope that such grievances as there may be in his country will receive sympathetic treatment at his hands. I do hope that he will accept the substance of my resolution. We wish to help him in every possible way. We do not want to harass him in his own country or in his Government.

#### SOUTH AFRICA.

Now, from Mr. Massey, I propose to pass to General Smuts. I am sorry to miss him here. But I will say, he has never replied to the points I raised. He referred to my description of him as subtle. Well, if he objects to that, I will withdraw it. But I will say that his present speech is remarkably illusory and evasive. I raised questions with regard to specific grievances relating to residence, acquisition of land, and trading licenses in his country, and I find no expression of opinion upon these questions. He then said that my resolution had nothing to do with him. It has primarily to do with him. I made it abundantly plain in the course of my speech that I did not make an appeal to him on the basis of the resolution of 1921, but that my appeal was made to him independently of that resolution, and that I wanted him to join hands with me investigating the facts, and trying to devise some method of solving this problem, which he probably thinks insoluble, but which does not appear to me to be insoluble. Again, he referred to Mr. Sastri, and the prejudice he has caused. I have already said what I felt about Mr. Sastri, and I do not want to say anything more. If Mr. Sastri's fault was that he pleaded for his countrymen in the Dominions then it is a fault which can reasonably be found with the 320 millions of his countrymen.

#### A MISCONCEPTION.

Now I will come to one particular portion of the speech, which struck me as based on an entire misconception, legal and constitutional. That is the question of citizenship. He said that India was the only country which probably claimed all political rights merely from the fact that Indians were British citizens. Let me warn him that India is not the only country which holds that view. There are other countries which hold those views. Well, he absolutely confuses territorial law with personal law. In other words, his position, really, is this, that if in my own country I did not enjoy the full rights of citizenship, when I go to his country, I must be under disabilities. I will put it

to General Smuts what would have happened if an Irishman, before the new Constitution came into force, had gone from Ireland, and settled down in Natal, or any other part there, and was told that "because you are not a free Nation within your own borders, you dare not claim those rights, although you are qualified, according to our franchise law, to claim them." There is an essential confusion in the position which General Smuts takes.

Really, the fact of the matter is this, that you cannot, according to the modern law of citizenship, and according to the latest development of thought on this subject, have two kinds of citizenship in the same Empire, a higher and a lower. When I go to your country, and I do satisfy the requirements of the law of franchise you have no right to tell me that because I am an Indian subject of His Majesty, I shall not be entitled to exercise my Parliamentary rights. Therein lies the whole position that General Smuts has taken, and with regard to the disability of Indians in the purchase of townlands, and in respect of trade licenses and other things, General Smuts, as I said before, had not a word to say in his speech this morning. Therefore, the position remains this, that while I receive support, substantial and general, from His Majesty's Government and all the Dominion Prime Ministers, I have received no support from General Smuts. On the contrary, he has expressed a desire that the resolution of 1921 should be repealed. I hope, for the reputation of this Conference, for the great reputation of the Dominion Prime Ministers, and for the reputation of His Majesty's Government, nothing of the kind will be done, and that though you may tell my countrymen that the problem is undoubtedly a difficult one, I request you also to say that you are trying to discover the means of solving it. If you will do that, you will change our attitude with regard to Imperial questions.

#### Repatriation from S. Africa.

There is only one more remark I will make with regard to General Smuts' speech. He referred to the desire for repatriation, and the advice of Mr. Andrews. Let me tell you that if anyone understands Mr. Andrews or knows him intimately, I do. There are hundreds of thousands of my countrymen in South Africa, who cannot speak their mother tongue. They have settled there. Their fathers have settled there, and it is very easy to understand how difficult they will find it to leave a land in which they and their fathers and grandfathers have lived. It is for those reasons that Mr. Andrews advised, and it is for those reasons that I should advise them, not to leave that country, but fight their battles until their position was recognised some day or other as that of equal citizens.

General Smuts said that as a British subject I could not claim that this problem would pass from the stage of a domestic problem to that of a foreign problem. He misunderstood me. It is not difficult to foresee a stage being reached when even the Government of India, which he has attacked over its attitude in regard to Kenya, but which I must admire for the very sane attitude which it did take, may find it necessary to appeal to His Majesty's Government, and say that "one part of the Empire is standing against the other, and it is for you and His Majesty's Government now to treat this problem inside your own Commonwealth as you would deal with a problem of foreign policy." That is what I meant, and I do anticipate a stage like that being reached at no distant date, in so far as the relations of India with South Africa are concerned.

Lastly, I will pass on to what my friend, Mr. Desmond Fitzgerald, said. No one would be more happy or contented than myself if he could help me to get Self-Government for India to-day, but that is a matter between us and His Majesty's Government. I see no reason, however, why, until we get complete Self-Government in India, we should be treated on a lower footing in King George's Empire. Outside India, we have a strong sentiment on that point, and there can be no weakening in that sentiment so far as I am concerned, and so far as my fellow-countrymen are concerned. There is no one who believes more strongly than I do, or is working harder than I, to win Self-Government for India, and God willing, I do hope to win it, notwithstanding any doubts that may be entertained by Members of His Majesty's Government. But I will not allow those considerations to affect my position in regard to the status of Indians overseas.

Suppose we get Dominion Self-Government to-morrow in India, the problem will still have to be faced. Therefore let us not mix up the two. I should be very glad, indeed, if the Conference would endorse a resolution in favor of Self-Government, but I want them to endorse a resolution also in regard to Indians and their position overseas. I must also thank Mr. Warren for the support he has given me.

Only one word remains for me to say. When I moved that resolution, I perhaps did not make it quite clear that I was moving it. I merely said: "My resolution is as follows." I wish the Conference to understand that I definitely moved that resolution. I have already said that I am open to argument with regard to the phraseology of it, so long as the substance remains, and so long as Kenya finds a place therein. That is a matter which lies between me and the Colonial Office, and could be sent up to you later on. But I do wish to move that resolution, and I beg your support. At any rate, I am entitled to ask for the support of the general idea embodied in that resolution. I do wish it to be understood that as far as I am concerned, I stand by the resolution of 1921, and the principle of equality. I do not wish to put any larger interpretation on the resolution than is justified or just, but do not let me give you the impression that there is any weakening on my part so far as the resolution of 1921 is concerned, or so far as the supplementary resolution which I had the honor to put before you to Wednesday last is concerned. I thank you, Mr. Prime Minister, and all other Prime Ministers.

#### LORD PEEL'S REPLY.

Lord PEEL said: I desire to thank most sincerely the Members of the Conference for the very cordial and sympathetic way in which they have received our proposals about the position of Indians in the Empire. I thank them also for the high place they have assigned to this question among Empire problems. I thank them for the complete grasp they have displayed of this difficult business, not as an isolated or local or Indian question, but its Imperial aspect, and am grateful to them for the complete frankness and fulness with which they have explained the views of those they represent.

In opening this discussion, I explained that the intensity of feeling aroused in India was due to the opinion widely held there that the disabilities of Indians were based on color, and were badges of racial inferiority. I did not associate myself with that view. I believed it to be a mistaken course. This discussion had shown that I



was amply justified. Any impartial person reviewing the statements made will find it impossible to prove that any general ban is maintained against Indians in the Empire, or that throughout the Empire they are placed in an inferior status, or again, that such disabilities they may suffer from are based on color or racial grounds. The Duke of Devonshire has shown that in West-Indian Colonies, British Guiana, Jamaica and Trinidad, Indians enjoy the same rights as other British subjects. The same, I believe, is true in Ceylon and Mauritius. Mr. Mackenzie King has told us that in eight out of nine Provinces in Canada, Indians enjoys full rights of citizenship. If, in one Province, there are exceptions to the general rule, these exceptions are based, not on color distinction, but on rather complicated social and political considerations. Mr. Bruce has told us that representatives of every shade of political thought in Australia have shown sympathy with the claim that lawfully domiciled Indians should enjoy full citizen rights. He believes that Australian public opinion is ready to welcome, as far as the position of domiciled Indians is concerned, any measure which is conceived in the interests of the Empire as a whole. Gen. Smuts said: "It is not a question of color, it is a different question, it is a case of a small civilisation, a small community, finding itself in danger of being overwhelmed by a much older and powerful civilisation. It is economic competition from people who have entirely different standards and view points from ourselves." The same sentiments have been expressed by representatives of other Dominions, notably Mr. Massey. These opinions are so remarkably similar in tone, that this great body of Empire statesmen must surely bring conviction and comfort to any Indian whose feelings may have been injured or whose sense of dignity has been impaired by the contrary view. Let their suspicions and doubts be allayed by these declarations of Empire leaders, sent out to the world from this Conference.

Let me now consider whether any action should be taken on the definite proposals placed before the Conference by my colleague, Sir T. B. Saprú. He was not concerned, nor was the delegation concerned so much with his complete proposals as with the attitude that would be taken up by the Prime Ministers in their different Dominions on this subject. I consider the position of Indians within the Empire has been most notably advanced in this Conference. Mr. Bruce has stated that he thinks any further enquiry unnecessary, but that, on his return to Australia, he will consult his colleagues, and see what action can be taken. Mr. Mackenzie King has re-affirmed his statement about the revision of the Federal law, and he is quite willing, if it is thought desirable, for a Delegation to come to Canada and to appoint a group to meet and confer with such a Delegation.

I rather gather, however, that passing this particular resolution might not necessarily assist in obtaining the result we desire. General Smuts, I am afraid, will not be able to support the resolution. He, it is true, did not support the resolution of 1921. I should like to say, I do not rest my case entirely on that resolution. If there had been no resolution of 1921, this problem would still be urgent and pressing. The resolution of 1921 stands, but I rest my case not merely upon a formula, but upon the broad equities of the case, and an appeal for justice and Imperial unity. I am quite aware of the difficulties of South Africa, but I hope that General Smuts, when he returns, while alive to his own difficulties, will retain a vivid consciousness of our own difficulties. It has been said that the Empire Con-

ference should be unanimous in its resolution. I think, if this resolution is pressed, some members might be disposed not to vote for it, not because they do not sympathise with the end to be attained, but because they think this particular means either unnecessary or perhaps not desirable. Such a vote, therefore, might create a totally false impression in India of the real situation. I ask my friend, Sir T. B. Saprú, whether he might not consider it advisable not to press his resolution, but I am very anxious that it should be made quite plain in India what are the results that have been attained. I think, it would be most valuable if a short note could be added to the report of the Conference showing clearly what are the practical results of this discussion, and what India has gained.

### THE PRIME MINISTER'S REPLY

Mr. BALDWIN said: After what has been said on behalf of the Dominion, and by the Duke of Devonshire on behalf of the British Government, I have little to add. I should like, first of all, to read to the Conference a statement which has been drawn up as a result of informal discussions since our last meeting. It sets out for inclusion in the records of the Conference the result of Sir T. B. Saprú's proposal as far as it relates to the Colonies and Protectorates. The Statement is as follows:

"The Secretary of State for the Colonies, on behalf of His Majesty's Government, cordially accepted the proposal of Sir T. B. Saprú, that there should be full consultation and discussion between the Secretary of State for the Colonies and a Committee appointed by the Government of India upon all questions affecting British Indians domiciled in British Colonies and Protectorates and Mandated territories. At the same time, the Duke was careful to explain that before decisions were taken as a result of discussion with the Committee, consultation with local Colonial Governments concerned, and in some cases, local enquiry, would be necessary. Further, while welcoming the proposal, the Duke of Devonshire reminded the Conference that His Majesty's Government recently had come to certain decisions as to Kenya, which represented, in their considered view, the very best that could be done in all the circumstances. While he saw no prospect of these decisions being modified, he would give careful attention to such representations as the Committee appointed by the Government of India might desire to make to him. Sir Tej Bahadur Saprú, while taking note of the above statement of the Duke, desired to make it plain that the recent Kenya decision could not be accepted as final by the people of India."

I am glad to think that on this occasion, we have been able to arrange for speeches made at this table to be published. This constitutes a departure from the procedure at the 1921 Conference, when only the resolution, which has been quoted here more than once, was made public. We shall, of course, include a brief summary of the proceedings when a report on the work of the Conference comes to be prepared. I hope, the Indian Delegation will feel, as I feel, that the discussions we have had on this subject have been most helpful and encouraging. There has not merely been good-will and an earnest attempt to meet India's wishes as far as varying political and economic circumstances in different

parts of the Empire permit, but we can record quite definite results. These are due to the growing sense of partnership among all the many peoples and races who owe common allegiance to the Crown. It is this sense of partnership, which I should like to stress. India's value to the Empire and the Empire's value to India are becoming everyday more clearly seen. The British Commonwealth of Nations rests upon no narrow basis. It is the greatest association known to the world of many races bound together ever more intimately by common interests and the mutual desire to help each other. Here, at these Conferences, we can, with full freedom, learn each other's problems, each other's point of view, and India can, I am sure, feel that the magnitude of her share in our common partnership and of her contribution to the commonweal is being realised in increasing measure. I am confident that Members of the Conference who have spoken for India will feel, both from the manner in which their representations have been received, and from the actual results achieved, that mutual goodwill can, and does help each and all of us to solve our common problems. I think the Conference, as a whole, can congratulate itself on what has been effected.

Sir T. B. SAPRU said: "Before the Conference leaves this very important subject, I desire to take up just two minutes of your time in making my own position quite clear. I am completely satisfied with the kindness of my colleagues from the Dominions. I am sure, Indians throughout the Empire will derive new hopes and encouragement from their attitude. This, of course, does not apply to South Africa, regarding which country I had my say on Monday last. As regards the Colonial Office, I am very glad to notice that the Committee to be appointed as I suggested, is not to be restricted in scope to certain specified Colonies. To me, as an Indian, it is of course disappointing that the Duke, speaking last Monday, saw no prospect of modifying the Kenya decisions, which, as I have already made clear, can never be accepted in India, but his agreement with the principle of my scheme, and his consent to give careful attention to such representations as the Committee may lay before him, inspires me with the hope that the door is not barred, and that the Colonial Office may be shown the way to an acceptable solution. I shall recommend those with whom I have any influence both in India and elsewhere, to work through this Committee to obtain amelioration of such conditions as they and every Indian regard as incompatible with our National dignity, and with our position as equal subjects in the Empire of our common sovereign.

May I here just also refer to an expression of opinion made by Lord Peel to-day with regard to the resolution that I intended to move on the last occasion? I thoroughly appreciate the advice that has been given to me to-day by Lord Peel. I have noted with great pleasure the spirit of cordiality shown by my colleagues from all over the Empire, except Gen. Smuts. I take their speeches as very encouraging, and I note that what I wanted really has been achieved, namely that they recognise the character of the resolution of 1921, that they have given me the hope that they would do something material to achieve the end we have in view, namely, the accomplishment of the principle of equality. Most of them have accepted my suggestions about the Committees. Mr. Bruce thinks that he can do without a Committee. As I said on a former occasion, so much more honorable and creditable to him and to his country.

It is because I have this support from Dominion Prime Ministers, excepting one against, that I think it is unnecessary for me to move my resolution formally.

Lastly, will you allow me to say one word about Lord Peel? Throughout the anxious days I have had to spend upon this question within the last week, I received nothing but unreserved support and encouragement from him, and I am sure that when my countrymen come to know how strongly he stood by me, they will realise that not only the Government of India and the great statesman who presides over that country have identified themselves with our National sentiment, but that the Secretary of State has also done the same. May I thank you, Sir, on behalf of myself, and those whom I represent?

### MAHARAJA OF ALWAR.

The MAHARAJA OF ALWAR stated: In this world of ours, a great deal if not everything, depends on how far, and how we are able to control our human nature, and in what channels we can guide it in order to achieve successful results. It is easy enough to see dark patches, to brood over difficulties, exaggerate and enlarge upon them. They will be overcome with remorse, repentance or despair, but history teaches us the great lesson that the world advances, and does not recede. When, without deluding ourselves, we are able to buckle our determination to throw our vision beyond the clouds on to a silver lining, humanity, after all, behind which shines the radiance of Godhead, is not so black as our imaginations, our unfulfilled desires and hopes are likely, sometimes, to paint it. Stone upon stone can steadily be built into the edifice with single-hearted purpose, and with help, to cement our goodwill and toleration. I conceive, our Conference of Members of the British Empire has assembled in order to shed light over dark patches, and exercise our determination, subscribing our quota to solve difficult problems, and instead of hypnotising ourselves with pessimism, enable us to look ahead to the dawn which must invariably follow the night.

India did not figure on the agenda of our Conference when we assembled, but as an Indian, I thank the Prime Minister and the British Government for having agreed to our suggestion to set aside a day for discussion of the important problem of Indians overseas. We owe acknowledgments to you by letting the discussion to extend to a much longer time than was originally conceived, in order to give everyone an opportunity to unburden his mind, and put forward his points of view. In my own personal capacity, I said at the commencement of the Conference that, rightly or wrongly, and I believe rightly, I came with the determination of sinking differences, giving co-operation and goodwill, and I am happy to be able to acknowledge to-day that during our discussions, we found a full measure thereof. I thank the Prime Minister of Canada for having given a very welcome lead in viewing our problem relating to his Dominion from a broad point of view. On behalf of my Order, I thank Mr. Bruce for the sympathy, and the Prime Ministers of New Zealand and Newfoundland for their very warm and cordial support to India, as it related to their Dominions. From Ireland came a very warm-hearted response towards their fellow citizens of the Empire in my country.

## GEN. SMUTS' INVITATION.

I hope, I may even thank General Smuts for such kind references as he made to my countrymen. I thank him for extending to me personally an invitation to come to South Africa to see for myself the problems and difficulties that exist. I sincerely hope that I may be able to accept his very kind invitation. I almost wish that I was going back with him to his country, but at the present moment, this is not feasible, but that invitation will certainly not pass into oblivion, but remain in a tender corner of my heart and I hope, for the sake of my country, I may be able to respond to it at no very distant date. I make it clear, however, that I should like to come in a personal capacity, not as a representative of my country, or my Order, for that is the best way to enhance my own personal knowledge of the difficulties that exist, and understand the problems that exist in that country, which are perhaps the main cause of the whole question having come up so prominently. Gen. Smuts will appreciate, however, that although I may deprive myself of the pleasure of coming as a representative, I shall still come as an Indian and as one in whose heart these questions undoubtedly rankle. but who, for his personal satisfaction, and if he can be of any use and is desired to be of any use to his country, will be able to do so, while at the same time keeping in mind the broader view of trying fully to appreciate the difficulties that exist on different sides.

Now, what is the position of Indians overseas as we see it to-day, if you look on the bright side? Mr. Mackenzie King told us that in Canada there are eight provinces in which no legal disability exists with regard to Indians, and where, I understand, they have equal rights of franchise.

[Mr. Mackenzie King interposed that there were nine divisions in which they had no legal disabilities. There is political disability in one. That is all.]

The Maharaja of Alwar continued: In Australia, although domiciled Indians amount only to about two thousand, we have the promise of the Australian Premier that they will be treated sympathetically, and that this question has been the subject of considerable public discussion, and the representatives of every shade of political thought have shown sympathy with the claim that lawfully domiciled Indians should enjoy full citizenship rights, and finally, that so far as the position of Indians domiciled in Australia is concerned, any measure which is conceived in the interests of the Empire as a whole would be welcome. In New Zealand the number of Indians is small, but the spirit which recognises no difference of race, color or creed, is indeed one that should inspire not only our admiration, but also our gratitude, and the Prime Minister of New Zealand has told us they will give Indian residents privileges which are enjoyed by the people of the Anglo-Saxon race, and that, there is practically no difference between them. It is of happy augury to hear words come out of the mouth of this responsible statesman, that the aboriginal tribes of New Zealand are in exactly the same position as European residents, and that they have the same privileges in Parliamentary and local affairs. In Newfoundland, the number of Indians is smaller still, but we are glad to see the same spirit prevailing there as in New Zealand. In Ireland, the problem does not arise but we nevertheless appreciate and welcome the sentiments expressed by its represen-

tatives. In South Africa, General Smuts has told us that in the Cape of Good Hope, and the Cape Province, Indians are exactly on the same footing as whites, and have the franchise. Gen. Smuts has hinted that in the Transvaal and the Free State the franchise was not laid down by South Africa, but by the British Government.

And now, after the Dominions, I come to the Colonies. His Grace the Colonial Secretary has told us that so far as British Colonies and Protectorates are concerned, and in West Indian Colonies, British Indians are under no political or legal disability. This includes British Guiana, Trinidad, and Jamaica, where there is a considerable Indian population. In Ceylon, qualified British Indians will be eligible for the franchise in the same way as other British subjects. In Mauritius, there is no distinction between Indians and other British subjects. As regards eligibility for franchise in East Africa, there is no restriction on the number or race of unofficial members who may be nominated to the Councils.

Now, gentlemen, I have to say this, that I know that some people who read what I have said so far may consider that I have spoken empty platitudes, and that in doing so, I am seeking favors or honor. How far that vision is from my mind it is unnecessary to state, but if looking on the bright side of things is wrong in appreciating facts that are already before us, then I gladly stand open to the charge, and have no bones of contention; but the primary reason why I have taken up your time in emphasising these facts is in order to condense what I have already said, that the whole British Empire is not such a dark patch for our countrymen as some would like to believe, and that there is much ground to improve the situation by showing our goodwill and co-operation. This does not mean that I do not appreciate the difficulties which lie, and they do lie. It is not difficult for human nature to bite or sting, but those are qualities which do not appeal to me in such an atmosphere as this. Difficulties that exist with regard to Indians overseas exist, I know, and all know, in British Columbia, in Canada, in Natal, in South Africa, and have reached a climax in Kenya. In British Columbia, Mr. Mackenzie King told us very frankly that it was a question of Provincial franchise, where the Federal Franchise Act supports it, which places Indians in a position of disability. In British Columbia, Mr. Mackenzie King told us very frankly that it was a question of Provincial franchise, where the Federal Franchise Act supports it, which places Indians in a position of disability. In British Columbia, we are told the problem is not a racial one, but an economic one, and that Mr. Mackenzie King welcomes the proposition made by Sir T. B. Saprú for a Committee to go to Canada to discuss the question with his Government. Responsible statesmen of Canada have been good enough to say that they welcomed Mr. Sastri, and gave him full opportunity to speak and confer with any persons he might wish, in order to meet the difficulty, and finally, that when the Federal Law comes up for revision, Canada will take care to see that Parliament is informed of India's wishes. We sincerely hope that they will pay very favourable consideration to this important point.

Regarding our people in Natal, Gen. Smuts, equally candidly, explained that if he gave Indians the right of franchise and equality, it could not then be withheld from the Native population of South Africa, and would, under the circumstances, flood this portion of the country and demolish the work of 200 years of white settlers. This

is indeed a potent argument, and I appreciate the difficulties, but the question as regards Natal, as also of other places, where such disabilities exist, does not hinge on future migrations for flooding his country, for, with right understanding, I believe the Government of India's co-operation can be achieved to solve this difficulty. But the question is with regard to Indian settlers who have lived in Natal and who have invested their property and settled there for several generations. Is it likely that, without the franchise, laws will be passed by those who possess the franchise to oust Indians from their rightful heritage since they went to that country under the British flag as peaceful settlers? Gen. Smuts gave the assurance in answer to my question, that Indians would have full rights of citizenship, and the only question concerned was with regard to franchise. I hope, South Africa will give this question favorable consideration, not from the local, but from the Imperial point of view, in order to see that no disabilities exist which would hamper the peaceful existence of my countrymen there. It would indeed be useful to advance in conciliatory methods if General Smuts could see his way to asking his Parliament to welcome our Committee to go there from India in order to discuss frankly and candidly, and if necessary, quietly, the whole problem as it affects India.

Now, I come to Kenya, I believe, from what I am informed, and from what I have seen myself, that no question of Indians overseas agitates their minds and gives them more feeling of racial discrimination and loss of self-respect than the status of Indians in Kenya. I believe, it is mainly due to the fact that, while it has been asserted by previous Imperial Conferences that the Dominions have the right to settle their own populations, Kenya is not a Self-Governing Dominion, but a Crown Colony administered by the British Government. It is to the British Government, therefore, that Indians look to see that their position, which has already become very awkward in Kenya by a minority of White settlers having been given a majority of votes, is not further jeopardised, and that they are not placed under disabilities by laws being passed by the majority segregating them, or eventually ousting them from the positions in which they have invested money in the country. I understand, and if I am wrong I hope I will be corrected, that His Grace at present holding charge of the Colonial Office has been good enough to agree that the Committee of India would be welcomed to discuss with him the whole problem and that the entire question will be fully and sympathetically considered by the Imperial Government from the points of view put forward by the Indian Committee. May I thank His Grace and through him, the British Government, for this assurance, and earnestly hope that the final results will be an advance on the present situation to give cause for my countrymen to be grateful for assistance on this important problem of Indians overseas?

#### MAHARAJA'S POSITION AS DELEGATE.

I have little more to say, but I wish to add this, that my position as a delegate from India is likely to be misunderstood in some quarters even in India. Therefore, I would like to make it clear. I do not come here as an elected or selected representative of British India. I have not even been elected or selected by my brother Princes, or have their mandate. I think, you know that I am not an employee of the British Government. But in accordance with past precedent, I come here as a nominated representative of the Indian Princes,

and have been invited to work here by the Government of India and the Secretary of State. But although I carry no mandate for what I say for my Order, I nevertheless happen to be one of them. I am an Indian. I belong to a family who have been loyal and faithful allies of the Crown and its Government. I have, therefore, primarily expressed my own views, but I hope also, what I feel to be the views of my Order, and my countrymen, or at least of some of them.

I much appreciated the compliment of having been asked to work on this Conference, but for the sake of my country. I hope my successor at the next one will be even more fortunate in being elected by my Order to come to this distinguished gathering in consultation with and with the approval of the Viceroy and the Secretary of State. I should welcome, indeed, if our member for two-thirds of India should be privileged to enjoy the same position, but on this topic, I will not attempt to speak, as it is outside my purview, and because I would be charged with treading on ground on which angels fear to go.

Now, in conclusion, I say this, that the whole question of Indians overseas is, we are told, in many places, an economic problem, but it is not a racial one, to impress upon anyone the inferiority of any particular race. I, at any rate, welcome that sentiment, and feel now that this goodwill and co-operation is prevailing on all sides, that the whole of this difficult problem will be set at rest, and the earlier the better, within the domains of possibilities, so that India can turn her mind towards her own domestic problems, and work out her salvation to be a loyal and an integral part of the British Empire.

In conclusion, may I thank the Dominion Premiers for the words that have fallen from their lips, one of whom said that he certainly desired to see India go ahead, and that the 1921 Resolution passed by the previous Conference is regarded as a pledge which all concerned seem anxious to fulfil and uphold? Mr. Prime Minister and gentlemen, I thank you, one and all, for having created in this room that favorable atmosphere towards my country which, I hope, will soon bear practical tangible results, not only for the sake of the British Empire, but for the sake of one-fifth of the human race. Mr. Harvey, in giving his views recently when Lord Curzon presided, said, "We have preferred settlement to argument." That exactly sums up my conclusion, and I hope I may be permitted to express my final sentiments. Although it is in poetry, I think the words exactly express my views:

"What, then, shall be the guerdon,  
A great and priceless burden,  
Of tautening up our grand old Empire's chain,  
It shall be for us the glory  
To prove in full the story  
Our Brotherhood does not exist in vain,  
Don't criticise and grumble,  
Don't sneer at every stumble,  
Let each one try and see the other's aim  
And if at first we fail  
To hear the friendly hail  
Let us bear in mind the birthright of our slain.  
Let them well pull together,  
Rose and wattle, maple and heather,



Our own bright Star is rising with the morn.  
Aye, let's sail the ship together,  
Through storm and stress of weather,  
Onward, even onward, to the dawn."

#### IMPLICATIONS OF BR. CITIZENSHIP.

The DUKE OF DEVONSHIRE regretted that the Home Secretary was unable to be present, but as a statement had been circulated to all the Colonies which would be eventually published, he would like to make the following observations on his behalf. "The interesting and frank discussion has brought out in high relief the distinctive characteristics of the British Empire or the Commonwealth, namely, the essential unity for attaining realisation in varying and independent methods and practices under a great variety of conditions. At the core lies the vital principle of a common British Nationality, on which the representatives of India have justly and eloquently laid great stress, and which finds expression in Gen. Smuts' words. Common kingship is the binding link between the parts of the Empire. It is not inconsistent with the principle, as has always been recognised, that every part of the Empire is free to settle its own domestic concerns, including questions with regard to rights to be enjoyed by any persons or classes of persons within its territory. In considering the problems arising out of this right or freedom, it is important not to confuse the issue by any ambiguous use of such words as "Citizen" or "Citizenship." If those words are used, as they rightly may be, as having local significance, and connoting the status or right which it is within the power of any Self-Governing Dominion to confer on persons within its territory, they should not at the same time be used as though they are almost synonymous with an Imperial conception of Nationality. Imperial Nationality is one and indivisible; local citizenship and the rights and privileges attached to it may be diverse. If we keep these two conceptions clearly in our minds, it ought to be possible, despite difficulties in detail and practice, to maintain the principle of action consistent with Imperial Unity and Local Autonomy."

#### GEN. SMUTS ON BR. CITIZENSHIP A MEMORANDUM.

General Smuts, in a memorandum to the Conference, states that the Indian claim to equal franchise rights in the Empire, outside India, are due to a misconception of the nature of British citizenship, arising from the assumption that all subjects of the King are equal from which it is claimed that a British subject, on migration to another part of the Empire, where British subjects enjoy full political rights, should be entitled, automatically, to enjoy these rights. This assumption is wrong. There is no equality of British citizenship throughout the Empire. British citizenship is bound to be even more variable in future than in the past. Each constituent part of the Empire would settle for itself the nature of its citizenship. Hence, Indians going to Canada would not be entitled to claim equal political rights with other citizens of Canada, any more than Canadians going to India or Australia.

**In South Africa & Fiji.**

**: 28(a)**

## The Natal Ordinances.

*We reproduce below the text of the Draft Ordinances affecting the Indian community proposed to be introduced in the Provincial Council and published for general information in the "Natal Provincial Gazette," dated 15th March 1923:—*

(1)

**"To amend the Laws relating to the grant of Licences to Wholesale and Retail Dealers in Rural Districts."**

Be it enacted by the Provincial Council of the Province of Natal, as follows:—

1. This Ordinance may be cited as "The Rural Dealers Licensing Law Amendment Ordinance, 1923," and shall come into force on the 1st day of November, 1923.

2. This Ordinance shall extend to so much of the Province as lies outside the boundaries of Boroughs and Local Townships and none of its provisions, and no repeal or amendment of any existing law herein contained, shall apply to or affect Boroughs or Local Townships.

3. The expression "The Administrator" as used in this Ordinance means the Administrator acting under the authority of the Executive Committee. "Licence" means any licence to which Act No. 18, 1897, applies, and includes the transfer or renewal of a licence.

4. Rural Licensing Boards for hearing and determining applications for licences shall be constituted in each country throughout the Province, save as is provided in regard to the territory of Zululand and in regard to the combination of counties or the creation of areas. The Northern Districts as defined in Natal Act No. 1 of 1903, shall for the purposes of this Ordinance be constituted as one county.

One such Board may be constituted for a county or combined counties, or Boards may be appointed for different parts of a county.

5. (1) The Administrator may divide any county or any other area previously served by one Licensing Board into two or more areas, or combine two or more such areas contained in any one county, and may appoint fresh boards for the newly defined areas. In either case the existing Boards shall be dissolved as from the date fixed for the establishment of the new areas.

(2) The Administrator may also alter the boundaries of any existing areas, and it shall be in his discretion according to the circumstances to dissolve the existing Boards and appoint new ones or to allocate the existing Boards to the altered areas.

### LICENSING BOARDS.

6. (1) Each Licensing Board shall consist of a Chairman and four other members appointed by the Administrator.

(2) No person shall be qualified for appointment as a member of a Licensing Board unless he is a resident owner or renter of a house or land in the county or area and is enrolled as a voter for Parliament.

7. (1) Licensing Boards shall be appointed for successive terms of 3 years.

(2) When a vacancy occurs through the resignation of a member or otherwise, the Administrator shall appoint a qualified person to fill the vacancy till the end of the current term.

(3) Should a member be unable to attend a meeting or be rescued or otherwise disqualified from sitting upon any application, the Administrator may, without obtaining the authority of the Executive Committee, appoint any person to act in his place.

8. All appointments of Rural Licensing Boards, with the names of the Chairman and their members; all appointments made to full vacancies; the creation of all areas, and a description of the boundaries of all new or altered areas (unless such an area includes an entire county) shall be published in the "Provincial Gazette, with a notification of the date on which anything so done is to take effect, and such publication shall for all purposes be sufficient proof of the matters notified.

9. (1) The Boards shall meet as often as may be required for the despatch of business.

2. A meeting shall be duly constituted by a quorum of four members, notwithstanding that owing to a vacancy the Board may not at the time be fully constituted.

3. In the absence of the Chairman a member may be chosen by those present to act as Chairman.

4. No member shall sit upon any case in which he is directly or indirectly interested, or if an applicant or objector is his tenant or employee of his firm or partner, or if the premises in question are upon or within five miles from any premises licensed under Act No. 18, 1897, owned or occupied by him or his firm or partner.

5. The decision of the majority of the members present shall be the decision of the Board, but in the event of an equal division the decision of the Chairman shall be that of the Board.

10. Sections 4, 5 and 6 of Act No. 18, 1897; Section 2 of Act No. 22, 1909; and Sections 6 and 7 of Ordinance No. 6 of 1916, in so far as they relate to any area or any case to which this Ordinance applies, shall cease to have effect, save so far as may be required for the proper construction of Section 22 of this Ordinance.

#### POWERS OF BOARDS.

11. (1) Every Rural Licensing Board shall, within the area for which it is appointed, have a discretion to refuse a wholesale or retail licence on any of the following grounds:—

(1) That the premises in respect of which the licence is applied for are not suitable;

(2) That the class of business proposed to be carried on in such premises is not suited to the locality in which the business is to be carried on;

(3) That the applicant is not a fit and proper person to hold such a licence or carry on such a business.

(4) A Rural Licensing Board hearing any application for the grant, transfer or renewal of a licence shall record any evidence given for or against the application, and, where the application is refused, the reasons for the refusal.

(5) Subject to the provisions of Section 12 of this Ordinance, the decision of a Rural Licensing Board, or of the majority of its members, on any application made to it for a licence or for the transfer of a licence shall be final and not be liable to reversal or alteration by any Court of law.

12. (1) Any person whose application for a licence has been refused by a Rural Licensing Board on the ground that the applicant is not a fit and proper person to hold the licence applied for or to carry on the proposed business, and any person whose application for the renewal of a licence has for any reason been refused by a Rural Licensing Board, shall have a right of appeal from the decision to a Board of Appeal, to be known as the Rural Licensing Board of Appeal, which shall be appointed by the Administrator for the whole Province or for any specific part of the Province.

(2) A Rural Licensing Board of Appeal shall consist of three persons, one of whom shall be designated by the Administrator as Chairman. The qualifications of members of the Board, their tenure of office, their remuneration, the method of filling vacancies, and the procedure of the Board shall be fixed by rules prescribed by the Administrator.

(3) The decision of a Rural Licensing Board of Appeal or of the majority of the members upon any matter brought before it shall, save as in Section 13 of this Ordinance is provided, be final and shall not be liable to reversal or alteration by any Court of law.

13. It shall be competent for the applicant for the renewal of a licence, or for a person who has duly lodged an objection to such renewal, to appeal to the Provincial Division of the Supreme Court or a local division thereof against any decision given or appeal brought in the matter under Section 12 of this Ordinance, and the court may order that the renewal applied for be granted or that it be not granted, or may in any case remit the matter to the Rural Licensing Board or to the Rural Licensing Board of Appeal for re-hearing or re-consideration.

14. Nothing in this Ordinance contained shall be deemed to limit the jurisdiction of any Division of the Supreme Court to set aside, on the grounds of irregularity or otherwise, the proceedings of any Rural Licensing Board or any Rural Licensing Board of Appeal.

15. The references in Section 7 of Act No. 18, 1897, and in any other law to Licensing Officers and Licensing Boards shall for the purposes of licences to which this Ordinance applies, be construed as references to the Licensing Boards constituted under this Ordinance.

16. The proviso of Section 5 (1) of Ordinance No. 6, 1916, is hereby repealed.

17. All applications for licences shall be addressed to the officer appointed for that purpose by the Administrator.

18. Any persons resident within the area of the Board or within five miles from the premises sought to be licensed, or owning or occupying similarly licensed premises within the same distance or any officer or member of a Police Force, may lodge objections and oppose any licence on compliance with the rules in that behalf.

19. The Board may in authorising a licence direct it to be suspended for the erection or completion of buildings according to ap-

proved plans, with any modifications that may be authorized, or pending the execution of repairs or of any necessary alterations in the existing premises.

20. If an application has been refused by a Rural Licensing Board no further application for a licence for the same premises may be brought till after the expiration of twelve months from the date of the application which has been refused.

21. (1) No licence shall be issued unless and until its grant has been authorised by the Board.

(2) Licences shall be signed and issued by the Receivers of Revenue upon a certificate from the proper officer that the licence has been approved.

A suspended licence shall not be issued until the Chairman of the Board, or in his absence, another member on his behalf, certifies that the required conditions have been complied with, nor, in the case of an appeal, till the appeal has been determined.

22. The following words shall be added to Section 2 of Act No. 22, 1909:—

Any person alleging that sufficient notice of the application has not been given in terms of the rules, shall also, if he would have been entitled to lodge objections, be entitled to apply to the Board for the application to be re-heard on proper notice. The Board may thereupon direct that its previous decision be suspended, and may upon the re-hearing decide upon the application 'denovo.'

23. Subpoenas under Section 4 of Ordinance No. 6, 1916, may be signed by any member of a Licensing Board.

24. The reference in Section 7 of Act No. 18, 1897, to the Insolvency Law shall be altered to Section 139 of the Insolvency Act No. 32, 1916, or any amendment thereof, as regards the keeping of proper books or records in the English or Dutch language.

25. The taxation of costs in terms of Section 5 (3) of Ordinance No. 6, 1916, shall be by such officer as the rules may direct.

26. The rules under Act No. 18, 1897, may provide for matters of every kind incidental to the administration of this Ordinance.

Such rules may require the deposit of the licence money at the time of application, and its return if the licence is refused.

27. The territory known as the Province of Zululand shall be excluded from the operation of this Ordinance in so far as it relates to Licensing Boards, references to which in other parts of this Ordinance shall accordingly be construed in relation to the existing licensing authorities.

The Administrator may, however, by proclamation bring any part of Zululand not included in the Native Reserves under the operation of the clauses of the Ordinance relating to Licensing Boards, and upon the taking effect of such proclamation, Licensing Boards shall be substituted for the pre-existing licensing authorities in the district so proclaimed. Sections 4 and 6 of Act No. 31, 1905, being to that extent superseded for the purposes of licences coming under Act No. 18, 1897.

## MR. HULETT'S DRAFT ORDINANCES.

(Proposed to be introduced by Mr. G. H. Hulett, M.P.C.).

"To amend the Local Townships Law No. 11, 1881, in regard to the qualification of Voters in Townships."

Be it enacted by the Provincial Council of the Province of Natal, as follows:—

1. From and after the passing of this Ordinance no person shall be qualified to have his name entered on the Town Roll referred to in Section 7 of Law 11 of 1881 or to be a voter within the meaning of the said law who (not being of European origin,) is a native or descendant in the male line of natives of countries which have not, prior to the coming into force of the South Africa Act, 1909, possessed elective representative institutions founded on the Parliamentary franchise, unless he has first obtained from the Governor-General-in-Council an order exempting him from the operation of this Ordinance. Provided that any person who was on the Town Roll on the First day of January, 1923, and who still possesses the qualification referred to in Section 7 of Law No. 11, 1881, shall continue to be enrolled as a voter.

2. This Ordinance may be cited as the "Township Franchise Ordinance, 1923.

(2)

(Proposed to be introduced by Mr. G. H. Hulett, M.P.C.).

"To amend the Laws relating to the grant of Licences to Wholesale and Retail Dealers in the Rural Districts of Natal."

The above Draft Ordinance is with the exception of section 5 practically the same as the Administration's Draft Ordinance on the same subject, save that sections 11, 12, 13 and 15 which appear in the Administration's Ordinance are not in this Ordinance. Section 5 reads as follows:—

5. Sections 4, 5 and 6 of Act No. 18, 1897, and Section 2 of Act No. 22, 1909, in so far as they relate to any area or any case to which this Ordinance applies, and Sections 6 and 7 of Ordinance No. 6, 1916, are hereby repealed, and the following is enacted in lieu thereof:—

(1) Every Licensing Board constituted under this Ordinance shall, within the area for which it is appointed, have a discretion to issue or refuse a wholesale or retail licence.

(2) A decision come to by such Licensing Board as to the issue or refusal of a licence shall not be liable to review reversal or alteration by any Court of law, save as in the next sub-section provided; but nothing in this section shall be deemed to limit the jurisdiction hitherto possessed by any Division of the Supreme Court to set aside on the grounds of irregularity or otherwise the proceedings of any licensing body.

(3) It shall be competent for the applicant for the renewal of a licence, or for a person who has duly lodged an objection to such renewal, to appeal to the Provincial Division of the Supreme Court or a local division thereof against any decision given by a Licensing Board under this section, and the Court may order that the renewal applied for be granted or that it be not granted, or may in any case remit the case for hearing.

The Court may also in its discretion award the costs of the appeal against either of the parties thereto.

## THE NATAL ORDINANCES

## THE TOWNSHIP ORDINANCE.

"To amend the Local Township Law No. 11, 1881, in respect of the Qualification of Voters."

Be it enacted by the Provincial Council of the Province of Natal, as follows:—

1. The following words occurring in Section (7) of Law No. 11, 1881,

"persons possessing within the township a qualification entitling them to vote for a member of the Legislative Council." are hereby repealed, and the following shall be substituted therefor:—

"every person who, being a British subject of the age of twenty-one years and upwards, is—

(a) The owner of immovable property within the township of the value of £50 or more; or

(b) The renter of immovable property within the township of the yearly value of £10 or more; or

(c) Resident within the township and in receipt of an income, inclusive of allowances, equal to £8 per month, or £96 per annum, and who has made application in the prescribed manner:

Provided always that no person shall, save as is specially excepted, be qualified to be enrolled or to be a voter for a township who is unable, by reason of deficient education, to read and write at least one of the official languages of the Union to the satisfaction of the person preparing the Town Roll in terms of Section 7 of the Principal Law, or, in case the Roll is prepared by the Local Board or an official thereof, to the satisfaction of the Magistrate."

2. When two or more persons jointly own or rent any immovable property within a township, each such person shall for the purposes of this Ordinance, be deemed to be the owner or renter of immovable property of the value corresponding to his share of the ownership, occupation or renting.

## (3)

"To grant Additional Powers to Town Councils and Local Boards in respect of the sale or lease of immovable property."

Be it enacted by the Provincial Council of the Province of Natal, as follows:—

1. The Town Council of any Borough or the Local Board of any Township constituted under Law No. 11, 1881, in selling or leasing any immovable property belonging to the Borough or Township, may, with the consent of the Administrator, make provision in the conditions of sale or lease as to the style, class or value of buildings to be erected thereon, and for restricting the use of such property safely to purposes of residence or business, and for restricting the ownership or occupation thereof or both to, and for prohibiting the ownership or occupation thereof or both by, persons of European descent, Asiatics or Natives, or persons of any one or more of such classes, and may insert in the title deeds or leases of any such property the conditions necessary to give full force and effect to such provisions and restrictions.

2. This Ordinance may be cited as "The Borough and Township Lands Ordinance, 1923."



## Debate in the Union Assembly

We give below a full report of the debate which took place in the South African House of Assembly, Capetown, on April 17th, 1923, on the Asiatic question :

Mr. MACKEURTAN (S.A.P., Ambilo) introduced his motion dealing with the segregation of Asiatics. The motion read as follows : "That this House requests the Government to consider the advisability of the early introduction of legislation which will provide for the allocation to the Asiatic community of any one or more of the Provinces of the Union separate and distinct areas, rural and urban, within any such Province, where that community may develop in accordance with its needs and standards of civilisation, due regard being had to the interests of the present and future European and Native population."

In moving it, he reminded the House that this was the third year in succession that a motion of this nature had been introduced into the House. On the first occasion, said Mr. Mackeurtan, the Asiatic Commission had issued their report and it stood down, as the report had first to be placed in the hands of the Government. Then last year, when the motion was brought forward, the Hon'ble Minister who dealt with the matter had not been in favour of compulsory segregation, but he promised that if the municipalities took steps in favour of voluntary segregation he would assist them. To a certain extent this had been given effect to. But those who supported the idea of segregation had been impelled to go on.

"There are one or two points," said Mr. Mackeurtan, "that I want to emphasise. The first is that we should deal with a matter of this kind apart from any question of party. It is a national matter, affecting the dominance of Western civilisation in this country. I would like to make it perfectly clear that I do not deal with this matter on the ground of alleged inferiority on the part of India, but I want to deal with it as a question affecting our future, and I bring this motion forward because of my unalterable and unflinching belief, firstly, that the dominance of Western civilisation is threatened and, secondly, because of the duty I have to provide for the future of my children. These are the two motives which actuated me in bringing it forward."

Proceeding, Mr. Mackeurtan relieved the Cape members of the House by saying that he only proposed to deal with the problem as one affecting Natal and the Transvaal, as it did not arise in the confines of the Cape Province. It did not apply to the Free State either, through the foresight of the Republican Government—a statement which was received with Nationalist "hear, hear."

Mr. Mackeurtan went on to say that he did not propose to deal with the question as it affected the Chinese or Japanese, but his motion concerned the Indian from India and their descendants living in Natal. "I hope," said Mr. Mackeurtan, "that we have heard the last of the introduction of Indian labour by our forefathers. If our forefathers ate sour grapes, must our children's teeth be set on edge? If, he added, "you took a lodger into your house who promised to behave himself, would you take no steps against him if you found he was trying to dominate you?"

The member for Umbilo emphasised that the dominance of Asiatic trading was due to the fact of certain whites supporting these Asiatic traders. The problem was mainly one affecting the Transvaal and Natal Provinces but whereas in the Transvaal no Asiatic could own land, he could own land anywhere in Natal, but the question of trading licenses was regulated by the Licensing Officers of the Municipalities.

"I want," went on Mr. Mackeurtan, "to put the position of Natal before the House to-day. Of a total of 165,000 Asiatics there are 141,000 in Natal, in which Province there are only 136,000 Europeans, which shows that the Asiatics outnumber the Europeans. The position is that practically all the Asiatics in the Union are in that Province. In Durban there are 52,000 Asiatics and 57,000 Europeans. The result is that in a large majority of walks of life, the Asiatic is competing with the European who is trying to make a living in that town." The European population of Natal had increased by a much larger percentage since 1911, but, said the speaker, where the Asiatic had increased was in the females, and it was very easy to see what this would bring about.

Mr. Mackeurtan proceeded to point out how the retail trade in the rural areas in Natal had fallen into the hands of Asiatics. He said there were far more Asiatic licenses in the rural areas in that Province, and mentioned that in 1919 there were 1,000 held by Asiatics as compared with 600 held by Europeans. They own, added Mr. Mackeurtan, over £1,000,000 worth of property in Durban. The position at Stanger was very serious and the number of Asiatics on the township voters roll doubled that of the European, and, in fact, they controlled the Government of that town. Mr. Mackeurtan read a statement to the House in which further details were given of the position as it existed, and indicated that a number of young women and girls were employed by Asiatics.

Continuing, Mr. Mackeurtan said he had two years experience as chairman of the Durban Unemployment Committee, and on that Committee he came into personal touch with hundreds of white workers in the country—honest, clean-living men, who were unable

to obtain employment owing to the position created by the Asiatics. Mr. Mackeurtan emphasised the fact that the Europeans were being ousted from certain occupations, and unless something was done there would be an end to the domination of Western civilisation in Natal. He went on to deal with the measures that had been introduced by the Government, but added that he did not wish to look back but rather to the future. "The Government," said Mr. Mackeurtan, "has tried the method of voluntary repatriation, and I give them credit for it, but it is not worth very much as the Indians themselves are thwarting it."

He reminded the House of what had taken place at an auction sale in Durban where the public stopped the sale through a property being sold to an Indian, and the result had been that the Government had consented to a Bill which provided that the Municipality might reserve areas to be sold to either Europeans, Natives or Asiatics. "But that does not solve the question" emphasised the speaker, "and there are now two Ordinances before the Provincial Council of Natal, the Licensing Ordinance and the Townships Franchise Ordinance. It is sufficient to say that there is considerable feeling over the question of the Licensing Ordinance, and I should like to point out that while it makes an effort to deal with one aspect of the question, the discretion of the Licensing Officer is being eliminated. Is that really the right way to deal with the position? Does it not make it worse? Under the Retail Dealers' Act of 1887 the Licensing Officer had the discretion to grant or refuse the license."

The MINISTER of the INTERIOR pointed out at this stage that the Select Committee to which this particular instance had been referred was considering an amendment dealing with the point raised by Mr. Mackeurtan.

Mr. Mackeurtan proceeded to say that this taking away of a right from the people of Natal was a retrograde step, and would only make the position worse, because it was restricting the powers at present vested in the Licensing Boards. "I hope," he added, "that the Provincial Council will not pass the measure in its present form." He next directed his remarks to the new Townships Franchise Law, and after explaining the present position of the divisions of the Natal Province pointed out that under the Law of 1881 the franchise was only enjoyed by those who were on the electoral roll then, and the Act of 1896 precluded Asiatics from being on the electoral roll. Under the New Township Franchise Ordinance the franchise was extended to any one who could read or write, whether he was black, white or green, provided he was a British subject. The Asiatics had been precluded by the Natal Law of 1896, and although a judge of the Natal Court had given a

judgment upsetting this principle, Mr. Mackeurtan said he begged to differ with him and thought the matter should be tested in the Appellate Division; "and if my view is right," said Mr. Mackeurtan, "I think the Ordinance should be held over till the point has been decided."

Mr. Mackeurtan described his proposal as being the middle course. Segregation would allow the Asiatics to carry on and earn a livelihood in that country. In 1908, he reminded the House, the Natal Government had tried to prevent the granting of trading licenses, but the British Government had refused it on the ground that it would deprive the Nationals of Natal of their right to live. The Asiatic Commission (see I. A. R. 1920), which recommended that Asiatics should not be allowed to own land outside the coast belt, had recognised the principle of segregation, and that policy had also been advocated by Lord Milner in Kenya in 1921. Mr. Mackeurtan said he felt sure that if the question were put to the people they would be in favour of segregation, so strong was the popular feeling over the matter.

The Government of India had been pressing for the extension of the franchise to Asiatics in this country, and Mr. Mackeurtan said he was quite in favour of some sort of local autonomy or municipal government when the segregation of the Asiatics had been carried out. "But the people of this country say very firmly that, in regard to this matter, must we for ever listen to the Government of India?"

"What is the position in Natal?" Mr. Mackeurtan asked. "We are now watching the Asiatic peacefully penetrating and preventing us from seeing where we will get an adequate livelihood for our children. I appeal to the Minister for something to be done along the lines I have indicated, otherwise I for one am." He was second to none in recognising the Imperial position, but so far as this problem was concerned he was first a South African, and there were thousands in Natal who held the same view. (Nationalist members: "Hear, hear.") There had been expressions used in Natal which he thought went too far, but he sympathised with the feelings of the speakers. He appealed to the Government to represent to the Indian Government that "we should be allowed to dispose of our internal population in the manner in which we thought fit in consonance with our ideals."

Mr. MARWICK, another member, in supporting the motion contended that the idea of segregation was not a new one, also that the demand for Parliamentary representation rested on flimsy grounds, seeing that in India only one person in 245 voted for the legislature. Mr. Marwick spoke even more seriously than Mr.

Mackeurtan, and contended that if the franchise here were extended to Asiatics, the European community would ultimately be at their mercy, and there would be a sort of semi-Eastern control in the towns of Natal which would lead to bad sanitation, unhealthy conditions, and various abuses. The whole attitude of the Asiatic in Eastern countries showed he did not appreciate the status granted him. "The future of the European community in Natal is in the hands of the Indian community at the present moment," said Mr. Marwick, "and unless some relief is granted, and granted speedily, there is every likelihood that the acquisition of the Colonists of that Province will pass to the Indian and Natal will become an Indian colony." There was a strong feeling in Natal, he added, against the passing of the Townships Franchise Act, and there was an increasing demand there for the segregation of Natives throughout the Province.

Mr. P. P. GROBLER (Nat., Rustenburg) in expressing sympathy with the motion, pointed out that but for the British intervention there would not have been a single Asiatic in the Transvaal. When the Transvaal Republic entered into a Convention with Britain, the Transvaal Government had no idea of Asiatics being allowed to enter. When Asiatics did however enter, a law was passed in 1885 excluding Asiatics with the consent of the English Government, but on the Asiatics protesting to England the latter held that the law was in conflict with the London Convention. That was how the situation had developed in the Transvaal. To-day many towns and villages of the Transvaal were flooded by Asiatics.

Mr. FEETHAM (S. A. P., Parktown) declared that they could never maintain Western civilisation if at the outset they ignore the ethical considerations upon which Western civilisation had been built up. It was quite useless taking repressive measures, and he urged that more might be achieved by discussions, as the Indians were quite prepared to help in removing obstacles on either side.

Mr. STRACHAN (Lab., Maritzburg North), speaking in support of the motion, quoted from remarks of another speaker in Natal that there were in one county in Natal 250 Indian storekeepers as against seven European. The trotting out of the Imperial argument and the Imperial connection and the relation between India and England did not go down in Natal any longer and, as a speaker in Maritzburg said the other day, "We must tell England if necessary that she must choose between India and ourselves." The Government did not intend to embark on any policy of segregation for Asiatics, but their policy was to allow the situation to develop and it was going to develop with even more disastrous consequences than the situation on the Rand last year. It was honestly believed that in 20 years' time Durban would be a huge Asiatic Bazaar. There was recently a con-

ference at Durban when everything went smoothly as long as the repatriation of the trading class of Indians was proposed, but there was friction when the Labour representatives proposed to deal with employees in the printing and furniture-making industries. The competition of the Asiatic storekeeper was unfair, and the Government could not allow the situation to continue to develop. He moved to add to the motion the following words: "And also to include in such legislation provision for maintaining European standards of civilisation by the adoption of the principle of equal pay for equal work, and further that the Government be requested to embark on a more vigorous policy of encouraging and inducing the repatriation of Asiatics."

Col. CRESWELL (Lab., Stamford Hill) seconded this amendment. He recognised there was a great deal of force in the appeal that the Imperial point of view must be considered. There were certain ethical considerations, but it was time the policy of drift was abandoned. We were limited by the considerations of ordinary humanity and of prudence in not coming into conflict with Asiatic powers which we could not ignore. He did not want to see a Japanese fleet coming to ask what we meant. He suggested that the principles of our policy should be on the lines of the motion and the amendment. Even if economic considerations were dismissed, Europeans would still have an antipathy to Asiatics living next door. He held that Indians born in this country no more belonged to this country than a European born in India belonged to India. Surely it was worth while to spend even millions in order to ransom back Natal for Europeans.

#### Government's Attitude.

The MINISTER of the INTERIOR (Mr. DUNCAN) regarded it as desirable that before the debate concluded some statement should be made on behalf of the Government. He agreed with Mr. Mackeurtan that moderation was the best policy to pursue in the matter of this kind. This was one of the most delicate questions any Government in South Africa could have to tackle. "Where the vital interests of the people of South," he said, "we will have to look to the interests of South Africa first, and that is the spirit in which we have dealt with the matter, but in doing so we do not say that we are going to deal with the matter from the point of view of how our own position may be affected no matter how our relations with the rest of the world may be affected. Let members bear in mind that the eyes of the rest of the Asiatic peoples are watching this position, and not merely the Indians only." In the first place, Mr. Duncan asked members to realise that the very large majority of the Indian people in the country were people born in this country, and with these people it

was impossible to deal. Therefore wholesale emigration was impossible. He emphasised the difficulties experienced by the European population of Natal, at the same time laying stress on the fact that but for the presence of the Indian population quite a number of European merchants would find it impossible to make a living.

Dealing with the draft Ordinances before the Natal Provincial Council, Mr. Duncan mentioned that these draft Ordinances had been introduced after discussion and agreement between a deputation from Natal and the Government. Mr. Duncan went on to review the points of the Ordinances agreed upon between the Government and the Natal deputation. In reply to representations by the Natal Administrator, the Government had stated that they did not insist on the powers of the licensing officers being restricted by statutory regulations. In regard to the Township Franchise Qualification Ordinance, the agreement between the Government and the Natal deputation was that such franchise should be based on an educational and property qualification. The Government, however, would not place any obstacle in the way of the Provincial Council dropping the Ordinance and making an appeal against the judgment of the Natal Judge in regard to the Law of 1881 as suggested by Mr. Mackeurtan.

Coming to the question of Voluntary Repatriation, Mr. Duncan said not less than 14,405 Indians had been repatriated since January 1914, and 11,000 had gone back under the indenture system, a total of 26,300. This year 1,050 had been repatriated so far. He claimed that it was a mistake to suggest that nothing had been done. He said there was considerable opposition to this scheme on the part of the Indians themselves. Compulsory repatriation was out of the question.

On the question of segregation he did not think the Europeans of Natal would like the coast belt converted into an Asiatic settlement.

Mr. Mackeurtan assured him he had made no such suggestion.

The Minister claimed that compulsory segregation was out of the question, but the Government felt that some measure of urban and rural segregation could and should be put into practice. The idea was that separate areas might be set apart and the local authorities be empowered to bring forward their proposals to the Government, and if the Government was satisfied that the scheme was a satisfactory one, it would be brought into effect. Under this scheme there would be a measure of segregation, and it would not be possible for people of different races to occupy land specially reserved for one particular race. From the sanitary point of view, it was undersirable that Indians and Natives should be made to live together in urban segregated areas. He felt, however, that where Europeans desired to live in certain parts there no other races should be allowed a measure

of residential rights and trading segregation should be introduced. Where an urban authority proposed to set apart an area where Asiatics should be segregated, they might be allowed to put their proposals before some body appointed by the Government which body would also have the right to take the views of the persons concerned. If the Government were satisfied that a satisfactory scheme was proposed giving a fair opportunity for the parties concerned to live and trade, the Government should be empowered to put into force such segregation and make it unlawful for people of other races to hold or occupy land set apart for this purpose. Existing trade licences outside those areas would have to lapse. He denied that the Government had refrained from taking action through neglect of the interests of South Africa, but from the difficulty of the situation and the prospect of increasing those difficulties, they must consider the interests of the large, well-educated and well-organised Indian community in our midst. We could not treat these people as if they were pawns but must deal with them with fairness and justice. He did not think they were going to have any cut and dried solution of this question; it was only by living through it that the European population would be able to show itself able to overcome the competition with those people. He was not one of those who believed that the white people could not overcome these difficulties. The source from which these people had come was now cut off. It was now left for them to deal with those in the country, and he felt that they must do so justly and wisely. Subject to the reservations he had mentioned he would accept Mr. Mackeurtan's motion.

Mr. P. Leroux van Niekerk (Nat. Waterberg) expressed himself as disappointed with the attitude of the Minister. The time was coming when the Asiatic question would constitute a most serious menace to the white population of South Africa, and the question was one which should be tackled strongly and seriously.

#### Adjournment of the Debate.

At 6-20 the adjournment of the debate was proposed by Mr. Nicholls (S. A. P., Zululand). Mr. Boydell (Lab. Greyville) asked that further facilities should be granted for the continuation of the discussion, which was supported by Mr. Mackeurtan.

General SMUTS was afraid that it would be impossible to give further facilities. The Government had stated quite clearly under what conditions it was prepared to accept the motion, and members next year would have the Bill before them.

The debate was adjourned till May 3rd.



## Debate in the Natal Council.

The following is a report of the debate in the Natal Provincial Council, April 1923, on the new Ordinances affecting the Indian Community.—

Moving the second reading of the Rural Dealers' Licensing Draft Ordinance, Mr. HOLLANDER said it was in effect to restrict the further issue of Asiatic trading licenses in the Province. He traced the history of the licensing legislation in Natal, and recalled how consent had been withheld to ordinances passed by that Council in the last two sessions. After that there was a difference between that Executive and the Government in which the Government made it clear that they were not prepared to allow the principle of appeal to be removed. They now proposed to go as far as it were possible to go to tighten up the legislation. The Union Government's attitude was influenced by the extraordinary state of affairs in India. The Government said their sense of responsibility would not permit them to abolish the right of appeal. Members might say, what have Indians to do with us?—(hear, hear)—but that would argue a lack of sense of that responsibility. It was their duty to go only as far as was possible without embarrassing the British Government. Controversy would rage round the clauses dealing with the licensing boards and the right of appeal. He quoted from the report of the Asiatic Inquiry Commission, presided over by Mr. Justice Lange, on the subject of Asiatic licenses and the right of appeal. The Government had indicated that an Ordinance embodying the recommendations of that report would meet with approval and on these lines the Administration had brought forward the present Ordinance. The right of appeal was limited to a refusal on the grounds that the applicant was an unsuitable person. A great deal was being taken away from the right of appeal. Under the measure the Board would have the right to insist on a first class building, and against that decision there would be no appeal. The second ground for refusal, namely, that the business was not suited to the locality, was capable of so wide an interpretation that it could be made to cover almost any applications. The Durban licensing officer had told him that he approved of the measure and would prefer the authority in it to that which he already possessed. The opinion of such an authority must carry weight with the Council. The Town Council of Durban had asked that the Ordinance might be extended to include the Borough, but unfortunately that had not been found possible.

Mr. Hollander submitted that no good purpose was served in passing Ordinances which they knew beforehand would be vetoed, and he hoped that members would realise that the Administration was not losing existing legislation in the present measure. The Council could reject the measure and leave the position as it was or amended in terms of the draft submitted by Mr. Hulett, which would mean that it would be vetoed and the position would still be unchanged. The third alternative was to pass it as it stood, and give it a trial, and that was the course he recommended in the certainty that the Rural Boards would find very valuable methods of restricting a growing danger. The Ordinance would not bring about the flooding of the country with Asiatic traders, which had been predicted.

## MR. HULETT'S VIEWS.

Mr. HULETT complimented the mover on his effort to justify his position which showed a rapid conversion from his earlier views and the member for North Coast said that far from improving the position of the licensing authority it limited its discretion.

On a point of order, Mr. Hollander said that he had said that the discretion of the licensing authority had been curtailed, but that equally the applicant's right of appeal had been curtailed.

Resuming, Mr. Hulett said that all he asked was that the existing right of the Licensing Officer should be transferred to the Licensing Board. The present measure made it essential that a license should be granted if the applicant could satisfy the conditions, and for that reason he considered it was a dangerous measure. He charged the Government with having neglected to carry out the provisions of the Lange report, and asked what right the Government had to use the report to justify them vetoing the Council's ordinances. (Hear, hear). Mr. Hulett contended that they were in a better position under existing legislation than under the proposed ordinance if the Government was going to consider the Indian Government against our opinion in this country. When the Council had decided that it was necessary to pass measures such as this, the Government were not justified in vetoing the Council's ordinances. The Government had no right to be influenced by the agitation in India.

Mr. COX expressed surprise at some of the remarks which had fallen from the mover. They had been informed that constitutional difficulty had cropped up, but they subsequently discovered that it was not vital. The alteration was made, and then the Union Government having turned the measure down again said, that they did so because it was not in accordance with the Government's Asiatic policy, although what that policy was, was not very clear. They were told that they must consider India, but that was not South Africa's affair but Downing Street's. Why don't the British Government govern India or leave it. (Hear, hear.). Downing Street had made mistakes before, and had had to retrace its steps compelled thereto by the protests of the colonists of Australia and Canada as well as South Africa. The question they had to consider was the effect of the provisions in the Ordinance before them. It was a fact that every time the Council had touched licensing matters the results had not been very satisfactory, and it was wise that laymen should pay attention to the opinion of experts. They had the opinion of an eminent K. C. that the limitation of the authority of the Licensing Officer would be fatal, and another legal gentleman, a staunch member of the S. A. party, had written to him expressing the opinion that the effect of the ordinance would be to wipe out the white trader in the rural areas. The principle of the measure was excellent, and it would be a mistake not to agree to the second reading, but he saw no reason why it should not be sent to a Select Committee and re-drafted on the lines of the measure which was vetoed. If they were self-respecting men they would refuse to make the Council a mere annexe of the Union Cabinet. At the root of the matter lay the demand for complete centralisation of authority, and if they listened to the voice of the member for Stamford Hill, which would wheedle a bird off a tree, they would forget those principles, which had won political liberty for Englishmen. If for no other reason than to affirm those principles,

he would send back the original measure and throw on the Union Government the responsibility of vetoing it again.

Major COMRIE moved the adjournment of the debate to the next sitting, which was agreed to without a division.

The adjourned debate was resumed on the following day by Major Comrie, who asked whether the appeal board would be appointed for the towns. The country strongly objected that a district board should have their decisions overridden by another board no better qualified than themselves. The man on the spot knew more about local needs and requirements than the man living at a distance.

Mr. NICOLSON said he did not think the Union Government had made up its mind as to its policy on this question. They were letting things slide until their hands were forced by public opinion. He was not defying the Union Government, but they were there to claim their rights and they intended to have them. (Hear, hear). If there was a difference of opinion between the British Government and India it was for the British Government to settle it. That was not South Africa's concern. He asked the House not to take any chances. It was better to have the existing law than pass this Ordinance, which was very doubtful. It was very dangerous to widen the grounds of appeal. Who were qualified to decide whether new licences were to be issued in a district but the people themselves, and no one else? (Hear, hear).

Mr. CLARKSON agreed that they did not want to loosen the present control, but they were not satisfied with the position as it was to day. The licensing laws were as near perfection as they could be if they were administered as they would like them to be. The only ground of appeal should be when a licence was refused on the grounds of nationality. He hoped that the Ordinance would be improved in Select Committee. There would be too many Asiatic licences granted in Natal in the last 5 years. They were out to stop the fair countryside being spoiled by Asiatic stores. Where there were no Asiatics stores they did not want any with tin shanties spoiling the landscape and acting as meeting places for all the Natives in the locality.

Mr. WHYTE said all the discussion had centred round the Indian licences, but the Ordinance applied to everyone. The petitions received from the Indian community indicated that they feared there was something in the Ordinance inimical to their interests. To-day the Indians were in full cry for full citizenship and he asked whether there were two single members of the Council prepared to grant that request. He was glad that the question was not being approached on party political lines, which was another example of the excellent way in which the Natal Provincial Council conducted its business. The Administrator was in charge of the ordinance, but it did not follow that the Administration, or at least the whole of it, had changed its opinions, but he intended to vote for the second reading in order to see whether the measure could not be tightened up.

Mr. VAN ROOYEN felt the country was opposed to the Ordinance, and he feared that the Executive was not in touch with what was going on in the rural districts to-day. Mr. Van Rooyen concluded by saying that if the old Voortrekkers who fought to make Natal

a white man's country, could know that the Whites were to-day outnumbered by the Asiatics, they would turn in their graves.

Mr. FAHEY expressed the opinion that Mr. Hollander had been entrusted with this Ordinance because if anyone could make a bad case look passable it was the member for Stamford Hill. (Laughter). He compared him to a ring-master in charge of performing animals, who cracked his whip and said that if they did not accept this measure they would get nothing at all. The speaker looked upon the licensing appeal board, the big three, with suspicion, because he believed it would be chosen from men amenable to the Government's wishes. He hoped members would oppose the setting up of this appeal board, and insist on the widest discretion being given to the rural licensing authority.

Mr. RUSSELL said the reason why last year's Ordinance had been vetoed by the Union Government was because it affected Indians. The Council was supposed to be a dignified body, but it was not to be allowed to pass an ordinance dealing with all sections of the community because it effected a certain class. He was not prepared to sit on a Council which would submit to such an indignity. (Hear, hear). The position was impossible, and he did not see how the Council could timely pass this Ordinance which had been sent to them by the Union Government. They must see to it that it was revised in Committee and sent back as an Ordinance which expressed the wishes of the Province.

Mr. McAUSLIN moved the second reading of the Borough and Townships Lands Draft Ordinance. He was surprised at the petition which had been presented against the Ordinance, which only extended a measure which already existed in Durban to the remainder of the Province. In Britain the right had already been exercised of dictating the business and residential areas and the structure of buildings, and he saw no reason for sending the Ordinance to a Select Committee, although he could not oppose that course. It was a measure which should have been adopted by the whole of South Africa years ago.

Mr. HULETT asked the Administrator to ascertain whether it would not be possible to insert a clause giving the local authority power to refuse transfer of property to persons of whom they did not approve.

Mr. RUSSELL said Mr. Hulett was practically asking for the power of segregation, which was outside the Council's province. Nevertheless he would be glad to have legal opinion on the point.

A second reading was agreed to, and the measure referred to a Select Committee consisting of Messrs Lund, Haycock, Sparks, Van der Merwe and McAuslin.

#### TOWNSHIPS FRANCHISE.

Mr. DYSON moved the second reading of the Townships Franchise Draft Ordinance. He said that personally he was not prepared to sneer at India, England or the Union Government veto. He was not ashamed to submit to authority, and it would be all the better for the world to-day if there was a little more respect for authority. (Hear, hear.) The Ordinance took away nothing of previous qualifications, but simply added an educational test for the

franchise. The Ordinance would be assented to, and would make it less difficult to keep off the roll the men whom they wanted kept off until the balance of the population had been redressed.

Mr. COX understood the measure was introduced on the grounds of respect for authority. On what authority? That of the electors who sent the members to the Council, or the electors of the Cape who gave the franchise to the Natives? Last session they passed a measure to keep any more Indians from coming on the townships rolls, but this was vetoed by the Union Government, who said that if they could satisfy the election officer that they could read and write one of the official languages they must be placed on the roll. Members knew very well that that would mean that these people would get on the roll. He thought the original measure should be sent again to the Government, and that after the second reading the Ordinance should go to a Select Committee.

Mr. HULETT said the Ordinance would not only admit Indians, but also Natives to the roll. If they passed the measure they could not on any future occasion pass legislation which would differentiate between Europeans and either Asiatics or Natives. He would vote for the second reading, but in Committee would move to substitute the vetoed clause for the educational clause.

Mr. COLEMAN said the Council had unanimously taken up a position during the last two years, and they must maintain it if they were anxious to do justice and right to the European people and their children of the Province. These people who claimed the franchise were alien in thought, life, religion and everything, and their life interests were bound up in Indian matters and Indian opinion. If the Indians were granted the franchise they must become the governing factor in the Province, and they would govern it for the benefit of their own people. It would be fatal to the interests of the European and of the Indians themselves to allow that to happen. It was a question of the preservation of the European standard and of the interests of their children.

#### EDUCATIONAL TEST OPPOSED.

The debate dragged on without breaking fresh ground, all the speakers opposing the educational test as being insufficient to keep the Indians off the township rolls.

Mr. DYSON, in reply, said that the Government having vetoed the measure the Council had to make the best of their position. The proper thing to do was to pass the Ordinance.

The second reading was adopted, and the Ordinance, on the motion of Mr. Hulett, sent to a Select Committee.

Mr. WESSELS said that there were aliens applying for licenses to-day who were worse than Asiatics. He feared that some of them were getting the Asiatic on the brain. He felt that the Ordinance would give the country all the prohibition it required for the time being.

After several other speakers had contributed to the debate, Mr. Hollander rose to reply, and said that he shared the disappointment that last year's Ordinance had been vetoed. He took exception to being likened to a ring-master. He had not tried to coerce the Council but had merely pointed out what the result would be if the Council rejected the measure. He asked the members who were pre-

sent at the Conference with the Cabinet to say whether or not he did not do his best to put the views of the Council before the Government, but he felt that the administration would have failed in its duty if it had not prepared and presented to the Council a measure on the lines indicated by the Government at the Conference. The administration would welcome the reference of the Ordinance to a Select Committee, to see whether it could be lightened up safely. If it were possible to do so none would be more pleased than himself.

The second reading was agreed to without a division, and on the motion of Mr. Hollander, the draft Ordinance was referred to a Select Committee, consisting of Messrs. Clarkson, Hulett, Van der Merwe, Cox and Hollandar, to report within fourteen days.

The sittings of the Council have been adjourned until Monday, April 23 in order to allow the Select Committees to work through the whole of the present week.

## The Fiji Indians.

*The following account of the position of Indian in Fiji is taken from the Introduction by the Rev. Mr. C. F. Andrews to the "Fiji Bulletin" published in 1923 by the Imperial Indian Citizenship Association, Bombay:—*

In order to understand what is happening in Fiji to-day quite clearly, it will be necessary to relate briefly the order of events in that Colony during the last 10 years, which led to the stoppage of all labour emigration from India. Reference to some of these events will be found in Miss Garnham's Report, and they also explain the hardship of the Poll Tax this year.

In 1913, Mr. MacNeil, of the Government of India Civil Service, and with him Mr. Chamanlal of the United Provinces were sent out to all the Crown Colonies to make enquiries concerning the condition of indentured labour from India. They summed up their whole Report by saying that "the advantages under the indenture system outweigh the disadvantages." Their only recommendation with regard to the moral problem, which was at the root of all the suicides and murders, was that 50 women should be sent out with every 100 men, instead of 40, a grotesquely inadequate proposal, as will be seen from Miss Garnham's own statement which follows later.

The Indian people were altogether dissatisfied with the Government Report, when it was published. Therefore Mr. W. W. Pearson and I were sent out together to Fiji, in the year 1915, by the Indian people themselves and on their behalf in order to make a fresh enquiry. We were fortunate enough to return (in the spring of 1916) just in time to present our evidence before the Viceroy's Council at Delhi before the Session closed. Our Report was given to all the Members of Council, and to the Viceroy, Lord Hardinge. He was able on the evidence furnished, to convince the Home Government and thus to accept on behalf of the Government of India a Bill abolishing indentured labour altogether. This was carried unanimously and passed into law under the name of Abolition of Indenture Act, 1916.

### SECRET AGREEMENT.

But later on, it was found, that a remark made in the Viceroy's speech saying that a slight delay might be necessary, while adjustment of labour was made in Fiji, and other places, had been taken advantage of by the Colonial Office (with the connivance of the India Office), and a secret agreement had been reached in writing by which this slight delay was interpreted as covering five more years' recruiting in India for indentured labour, and therefore ten more years' prolongation of the system. It was only by a mere accident, that I discovered the existence of this secret agreement. What happened was this. A high official in Fiji wrote to me saying that the sugar planters in Fiji were all congratulating themselves on having gained a five years' respite. I was in Japan at the time, with the poet. Rabindranath Tagore.

On receipt of their letter, I came back to India and on the day of my arrival (October 2nd, 1916) I wrote a letter to the Viceroy telling him of the outrageous wrong that was being done. This letter was formally acknowledged, and an enquiry into the matter was promised. But the whole subject was lost sight of; and when at last the Government was challenged in the public press, the people of India were coldly and officially referred to the statement of Lord Hardinge, that a slight delay was necessary for readjustment of labour in the Colonies. At this, Mahatma Gandhi, Mrs. Beasant, Lokmanya Tilak, Pandit Madan Mohan Malaviya and many other leaders, took up the indenture question as a primary national concern and the whole country rang with indignant voices at this betrayal of India, in refusing to close down altogether the indentured labour, after a solemn promise had been given. What perhaps had more effect than anything else was the representation made by the women of India on behalf of their sisters abroad. Lady Tata, Mrs. Petit, Sarojini Naidu, Mrs. Nehru, and others went up themselves to Delhi and were received by the Viceroy who promised to do all that he could to bring the system to an end immediately. This event is referred to in Miss Florence Garnham's Report. It was the chief argument, which I brought forward in Australia, when asking the women of Australia to unite with the women of India in bringing to light the facts concerning indentured Indian labour in Fiji. It accounts, more than anything else, for the women of Australia taking up the matter so earnestly and with such enthusiasm.

The people of India again asked me to go out to Fiji after this crisis in order to obtain more thorough and detailed information about the working of the indenture system. For, there appeared every possibility that further attempts would be made to open recruiting in India again, in order to provide for the sugar plantations of Fiji. This time I went out alone, and spent a great part of the year 1917 in making the voyage there and in journeying to and fro on the main Island visiting the plantations. Some time was spent, at the end of the year 1917 and at the beginning of 1918, in touring through Australia and explaining there the terrible conditions of immorality on the sugar plantations in Fiji.

#### MISS GARNEAM'S INQUIRY.

Shortly after this visit to Australia, and in consequence of it, Miss Garnham, whom I had met in Australia, was chosen by the different women's organisations to go out and make an independent enquiry. This she did during the year 1918. After the most searching examination, her judgment concerning the moral degradation, which had taken place under the indentured system, coincided with that of Mr. W. W. Pearson and my own. I should also mention, that the Rev. J. W. Burton, who at a much earlier date had studied the problem as a missionary in the main Island, had come to the same conclusions and had published his findings in a book called 'Fiji of To-day.' It was therefore proved beyond much doubt, for any reasonable person, that things were very bad indeed. Perhaps the most convincing proof of all, showing that there has been no exaggeration of any material character in the charges that were brought forward with regard to the immorality in the labourers' "lines," is the fact that



neither the planters nor the Colonial Sugar Refining Company have ever issued any serious and detailed report or statement in defence of the indentured system in Fiji; nor have they answered the main moral arguments brought forward by those who condemned it.

On my return from Fiji the second time, I met Mr. Montagu, the Secretary of State for India, at Delhi. He asked me to prove my case. I showed him Fiji Council Paper No. 54 which had been signed by the Chief Medical Officer, Dr. Lynch. If my memory is correct, Dr. Lynch was also a member of the Executive Council. This Council Paper, No. 54, was laid on the table of the House in Fiji and passed

unanimously. It was then circulated as a Government Paper and sent to the other Colonies. It contained the following sentence, which was officially used concerning the immorality practised in the "lines":—"When one indentured Indian women,"—so the Report ran,— "has to 'seree' there indentured men as well as various outsiders, the result in the cases of gonorrhoea and syphilis cannot be in question." Mr. Montagu was horrified and said to me, "Do they publish things like that in Government papers in Fiji?" I gave him the document, and he studied it. He then said to me, 'That's quite enough! I don't want to see anything more! Tell me what you want done.'

It was during the same year, 1918, that Miss Florence Garnham went out to Fiji. She naturally could obtain from the Indian women much more information than I could about the misery of their lives. If anything, her Report is more strongly worded than my own.

After all this, a long and weary struggle had yet to take place before the final cancelling of the last period of indenture among those who had been brought out as late as 1916. Then, at the close of the year 1919, this welcome event happened. The New Year of 1920 began in Fiji with complete freedom for every single Indian labourer in the Island. There was everywhere very great rejoicing and extravagant hopes of an immediate large increase in wages. This led very soon to a strike for a higher daily wage. A Government enquiry was instituted, to find out what was a living wages in Fiji, with food prices as high as they then were. The Commission's Report was inconclusive, but a statement by Mr. S. S. Chowla, a Government interpreter, who had made a special study of the subject, placed the minimum living wages as high as 4 shillings a day. Gunboats were summoned from New as 2 shillings and six pence. The peacefulness of the strike was marred by police provocations, which led in turn to rioting. There followed very severe military repression. Gunboats were summoned from New Zealand. Altogether, there appears to have been panic among the Europeans. Mr. M. Manilal and his wife were deported, and later on were subjected to continual petty persecutions. The strike ended in failure.

In the following year, a new strike began under the leadership of a Sadhu, named Bashist Muni. This strike was remarkably well organised and continued for about five months, without any violence at all. In the end, after terrible privations, the Indian labourers had to come back to work at a wages which was much less than they had demanded.

Though, in outward appearance, both these strikes for higher wages had failed, yet they represented a discipline of the Indian community

and a hardening of powers of resistance. During the years 1920 and 1921, a very large number of Indians returned to India, and some thousands in all (including sex-indentured labourers from British Guiana and Trinidad) were landed at the Calcutta Docks. These, for the most part, became absorbed in the upcountry villages, from which they had emigrated. But a residuum, of between twenty-five and thirty per cent. drifted back to Calcutta and lived in great misery and destitution in the slums of Matiaburj. Here, the Emigrants' Friendly Society, under the devoted care of Mr. F. E. James of the Y. M. C. A. with Mr. H. C. Mukerji and many others as helpers, and the Marwari Association, with Mr. Barman as its chief worker spent laborious days in trying to rescue them from their wretchedness. The experience gained during those two years proved up to the hilt the unwisdom of inviting those who had gone out to these Colonies to return, with the expectation of getting employment in India.

#### SUGAR TRADE.

The middle of year 1922 witnessed at last a sudden depression in the sugar trade, after all the previous years of swollen profits. At the beginning of the year 1922, the Hon. Mr. M. Hedstrom had said, in the Fiji Legislative Council, "During the past two years we have passed through a period of feverish prosperity." He might have spoken, as far as the sugar trade was concerned, of at least eight instead of two years. For, since the beginning of the War, in 1914, the whole output of sugar had been taken over by the Australian and New Zealand Governments, and an exceedingly liberal sugar bounty had been given.

When I was in Fiji, in 1917, I addressed a small group of planters—possibly 30 in number,—and asked them if they had made as much as £100,000 extra war profits, since the war started. They at once answered. 'Yes,' (Afterwards I found that I could have put my figures very much higher; but I guessed it a safe number). Then I said to them "Have you, gentlemen, passed on a single farthing of those extra war profits to the indentured labourers?" They answered: "No,"—One of these planters had paid off the whole cost of his estate out of his own net profits for a single year. This was not altogether exceptional during these years of the war and for two or three years after.

#### WAR PROFITEERING.

What the actual increased earnings of the Colonial Sugar Refining Company rose to, during those years, no one was able to discover. The C. S. R. (as it is always called in Fiji) has a thousand ways of concealing its actual gains; but they must have been enormous. This company is very nearly a monopoly in Fiji. There are only two small companies besides. The C. S. R. owns all the Railways, telephones, etc. and a very large part of the most fertile soil belongs to it in addition. Fiji has been a veritable 'gold mine.' The 'Sydney Bulletin' in its financial columns published early in 1919, a business statement about this huge Australian concern, the C. S. R. Co., which reads as follows:—

"The net profits shown in the table printed elsewhere are the figures shown by the C. S. R. Co.'s Directors. Whether they represent the true net profits, the 'Sydney Bulletin' does not know, nor does

anybody except the very few inside. In past balance sheets, the Directors certainly did not disclose all the profits made; for instance, in the year 1910 they admitted that for fifteen years they had been purchasing property in Fiji out of profits. The result is shown in the table. In 1916 no less than £3,250,000 were written up and bonus shares issued in a new Company, called the Maoriland and Fiji Company. A Directorate which can state 34 million pounds out of its sleeve in this way cannot expect its figures to be taken too seriously. It is a notable feature in the C. S. R. Co., that no matter what new troubles confront the Directorate its disclosed profits are not affected to any extent. Working back over the past ten years gives an amazing record for this mammoth concern. Since 1907, no new capital has been got in. But in that year, besides the issue of fifteen thousand £20 shares, for which only £15 was paid £750,000 accumulated profits were capitalised. That brought the paid-up capital to £2,500,000. The paid-up capital of the parent Company alone is now £3,250,000; and every penny of that  $\frac{3}{4}$  million is capitalised profit. Here is a short history of what has happened since 1908:

Dividends paid	...	...	3,681,875
Profits capitalised	...	...	750,000
Assets written up and bonus shares issued			
in Maoriland and Fiji Co.	...	...	3,250,000
Added to visible reserves	...	...	463,479
			<hr/>
			£8,145,354

This was not, however, the end of the story. During the years, 1919 and 1920, and part of 1921, the great sugar boom continued, and almost fabulous profits were made. Yet in spite of these, the bitter labour struggle went on with practically no concessions to the labourers on the part of this monopolist Sugar Company. This was entirely in keeping with their former policy. For when, in the year 1917, I pointed out to the Company's Chief Inspector, Mr. Dixon, that it was altogether iniquitous to keep the indentured labourers wages down to one shilling a day or five and six pence a week (equivalent to about two rupees nine annas in India) when the food prices had increased by over 100 per cent. and the extra war profits on sugar were so enormous, I could not get him to agree even to a 25 per cent. rise of the daily wage, so that it might reach one shilling and three pence (equivalent in India to about five annas). It was pointed out to him that one Tamil labourer had committed suicide, because he could not bear to see his wife and young children starving and went over all these things with Mr. Dixon but the C. S. R. Co. Head-quarters in Sydney steadily refused to raise the labourers' wages until they were practically compelled by the Fiji Government to do so. This grudging policy has characterised the C. S. R. Co. all along with respect to the Indian wages. More than any other cause it has led to the intense discontent and bitterness of recent years. It would seem as though this monopolist Company were determined to beat down the Indian labourer below the margin of subsistence. Recently it has reduced the daily wage to one shilling and six pence. At the same time, I have often brought to the notice of the Indian public certain schemes of Indian land settlement on the Company's estates, which are in strange contrast to their illiberal policy of wages.

Though the Indian labourers have been all free ever since January, 1920, yet the evils of the old indenture system are still clinging on,

even to-day. Above all the earlier enforced immorality has by no means been overcome. The crowning bitterness and hardship has been experienced this year, when a Poll Tax of one pound sterling for each adult, has been imposed. Over 90 per cent. of this, will have to be paid by the Indian community alone, which has been already impoverished by two strikes and also by the refusal on the part of the Colonial Sugar Company to give a living wage to their Indian employees. So serious has been the situation that the nominated Indian Member of Council, the Hon. Badre Maharaj, who had hitherto been a nominee of Government to such an extent that his name had become disliked by the Indian Community, has now resigned his seat on the Council after protesting against the iniquity of the new Tax.

This short narrative will be sufficient to make the background clear for the two papers which follow. An extract from one of the many letters, which are continually reaching me from Fiji, may here be given. It will show most vividly the scene, with which the future pages have to deal. A Brahmin woman, born in Fiji, writes to me in Hindi as follows:—

"My father and husband went to India on account of insufferable difficulties in Fiji. But they found it impossible to live in India because of the social ban. Hence the whole party had to return to Fiji. But unfortunately my husband was left, because there was not sufficient money to pay his passage. At present, the life in Fiji itself is extremely difficult and miserable. Thousands of labourers have been thrown out of employment. The fields, which you saw full of sugarcane and vegetables, are now lying idle. The houses you used to visit are deserted. The land, about which you gave a vivid description in your report, now presents a dismal picture to the visitor's gaze. We expected much from the Commission, which came to Fiji; but we have heard nothing about it. I am surrounded by a hundred difficulties, but the culminating one is that I have lost my husband. There can be no greater sorrow, as you know, to a Hindu wife than that! I cannot give all expression to my feelings, but you can well imagine them. Confiding in your kindness and benevolence of heart, I earnestly request you to help me."

This is the translation of one out of the numberless letters, which come to me from these poor and distressed people. The misery that has been caused by the old indentured system; the homes that have broken up: the lives that have been finally ruined; the humiliations that have been received; the stains on Indian honour and Indian virtue that have been made—God alone, in His infinite mercy and compassion, can heal and redeem them all!

#### LADY DOCTOR'S APPOINTMENT.

A word must be said concerning the Australian Women's Associations who sent out Miss Florence Garnham to represent them in Fiji. Altogether 46 different Associations, in Australia, Tasmania and New Zealand, joined together in this work on behalf of humanity. Before I left Australia, early in 1918, I had visited every province from West Australia, in the far West, across the great Australian Desert, to Queensland in the North East I had been very greatly impressed with the spirit of sympathy which I found everywhere among the Australian

women, and my trust was not unfounded. After I had left the work went on even more earnestly than when I was present. It should be mentioned, also, that these Australian Women's Associations were instrumental in getting a first-rate Lady Doctor, Dr. M. Staley, to go over to Fiji for the special purpose of helping in their sickness the Indian women. Unfortunately, the Fiji Government, in their retrenchment scheme, have now cancelled her appointment and she has been obliged to retire. One day, quite recently, while I was in London, an Australian Lady from Sydney sought me out and found me after much difficulty. She told me that she was doing all she could to get Dr. Staley's appointment resanctioned, and we talked out the whole subject. In all the miserable welter of racialism, which this description of conditions in Fiji discloses, this touch of true humanity on the part of the Australian women will be remembered with thankfulness in India.

# **India in Parliament 1923.**

# India in the British Parliament.

The last issue of the *Register* chronicles Indian debates in Parliament up to August 1922. Mr. Lloyd George, then premier and the author of the infamous "Steel-frame" speech, soon after fell from power. This was owing to his habitual game of bluff which he once more tried to play against the Young Turks who had crushed the Greeks then backed by the British cabinet. On September 22, 1922, an influential Labour Deputation to the Premier assailed his militarist policy against the Turks, and Mr. George once more lied in giving an assurance that his policy was "substantially that as laid down by the Labour Party in 1918"! For his Turkish policy Mr. George fell and Angora flourished. Parliament was dissolved on October 26th and in the General Election that followed, the Conservative party came into power with Mr. Bonar Law as the Premier, Lord Peel as the Secretary of State for India, and Lord Winterton as the Under-Secretary. The Labour party now became "His Majesty's opposition" with Mr. Ramsay Macdonald as the leader. The advent of the Tory Government spelled a spirit of despair in India while it greatly heartened the die-hards and the European elements in India. The result was soon seen in the torrent of questions asked in the Commons giving vent to the most vapid die-hard views, and in the appointment of the Royal Commission to pay more money to the European Services in India. Parliament met only for a very short session in November-December 1922 and there was no debate on India.

On Dec. 12th Colonel Wedgwood tried to get a hearing for the suggestion that there should be a general amnesty in India but the proposal was turned down by Lord Winterton. The Colonel's suggestion was based upon the plea (as stated in his question) that the All-India Congress Committee was about equally divided as to the propriety of so far modifying the non-co-operation policy as to sanction election to the Legislative Councils, and he urged that the chief obstacle to this change of policy was that nearly all the Congress leaders had been in goal, whereby they were debarred from standing for election unless some individual pardons or a general amnesty was declared. Colonel Wedgwood wanted the Secretary of State to consult with the Viceroy as to the best method of getting round this difficulty so that the leaders referred to might have the chance of standing for the Councils.

Lord Winterton, in answering the question, referred to the Civil

Disobedience Inquiry Committee as being equally divided on the point of council entry, and he quoted one section as putting forward the view that so long as there was a rule disqualifying persons who had been convicted, it would be inconsistent with their self-respect and dignity to lift the ban upon the Legislatures.

Sir Charles Yate, true to his vindictive record, wanted the number of prisoners to be increased instead of getting them reduced. He tried to convince the Secretary of State that the members of the Civil Disobedience Committee had themselves broken the law, and he wanted to know why they also were not clapped into goal.

Sir Charles Yate was also not satisfied with the "protection" which was afforded to the Princes of India by the penal legislation then passed against the Indian Press. He wanted the same sort of punishment applied to those newspapers which dared to criticise the administrative methods of British officials. In the question to the Under Secretary on the day before (Dec. 11th) he alleged that it was the want of protection from what he called "vilification by the non-co-operation Press" that was driving many officers of the Civil Services and police in India to apply for proportionate pensions before completing their full terms. He urged that the Secretary of State should consider the question of bringing into force "some more effective method of putting a stop to this abuse of its servants, British and Indian, than exists at present."

On Dec. 14th he again asked whether, considering that the Governments of the Punjab, Bengal, Madras and Burma had already taken action in the matter, the Government of India would issue instructions that legal assistance in bringing actions against the offending newspapers was to be given to all Government servants, both British and Indian, who had been defamed in the British Press?

Earl Winterton: I think it is evident from the facts stated in the question that there is no reason to suggest to the Government of India the issue of any public orders.

Sir Charles pressed the Secretary of State to communicate to the Government of India the desirability of bringing in legislation to protect the Civil Service and the police in India from vilification by the non-co-operation Press in India similar to that lately brought in for the protection of Indian ruling chiefs and princes.

Earl Winterton: The Hon. and gallant member must be aware of the peculiar difficulties which, in the practice, made it impossible for ruling chiefs to obtain redress against libels published in British India by recourse to the Law Courts. He must also be aware of the reciprocal obligations existing between British India and the native States for the prevention of sedition. The position of public servants presents no analogy. So far as attacks upon their conduct are at-



ttempts to excite disaffection against the lawfully established Government, the ordinary criminal law provides a remedy. Against personal libels they have the same means of redress as any other subject of the Crown, and the hon. and gallant member knows that this means has been successfully employed.

### Other Indian Questions.

In reply to a question from Sir A. Holbrook, Lord Winterton said that the Secretary of State was giving anxious consideration to the whole situation of the public services in India. As regards the general outlook, he stated that it appeared from the latest information available that there had been some appreciable improvement, and conditions might fairly be said to be more hopeful than they were 18 months ago.

### Railway Development and Public Works.

Major Kelley asked the Under-Secretary of State for India what amount of the money recently raised in England by the Indian Government for railway development and public works had been expended; how much of it had been spent in England; whether any arrangements had been made to purchase further supplies of material in Great Britain; and whether the Indian Government proposed to make further application to British investors?

Earl Winterton: So far as can be ascertained about 20½ millions have been spent on capital account on Indian railways since 1st April, 1921. This amount is approximate as full details of expenditure in India in the current year are not available. Of the above sum 17½ millions have been expended on supplies in this country, and further large supplies of material have been ordered in this country. As regards the last part of the question, I would refer my hon. and gallant Friend to the discussions on the last East India Loans Bills earlier in the year.

### Purchase of Stores.

At this time there was great unemployment crisis in Britain, and Labour Members were strongly opposed to Indian orders being placed on the continent. On Dec. 15th Mr. Tom Griffiths (a Welsh Labour member) asked the Under-Secretary of State for India whether he was aware that the India Office had given a tyre order to German firms, although the quotations of English firms were only slightly higher than the German quotations and whether, seeing that unemployed workers who were receiving unemployed benefit could be profitably employed producing coal and steel to manufacture these tyres, he would consider the advisability of placing these orders in England until the exchanges were stabilised?

Lord Winterton replied as follows: The hon. member refers

no doubt to an order recently placed by the High Commissioner for India. The purchase of stores for the Indian Government is no longer undertaken by the India Office. Such purchases are made by the High Commissioner, who is now directly responsible to the Government of India. I have, however, ascertained from the High Commissioner that in this particular case the lowest British quotation was very nearly double the amount at which the order was placed for tyres of German manufacture. Any other decision than this would have been obviously unjust to India, whose interests ought to be the first consideration (though they have often been the last) in such transactions. It is regrettable that British manufacturers should allow themselves to be undercut in this way but Labour members ought to look elsewhere for a remedy instead of seeking to penalise the tax-payers of India.

Soon after this Parliament adjourned in the middle of December for a long recess and was opened on February 13th formally by the King. In the debate that followed the address there was no reference to India, as the only two topics which were agitating European politics at that time was the French occupation of the Ruhr and the Lausanne Conference with the Turks.

#### Mr. Montagu on the Civil Services.

In the meantime, however, the advent of the new Tory Govt. in England was the signal for a vigorous agitation for the so-called "Services" grievances which were held to follow from the Indian Reforms. Early in January 1923 Mr. Montagu himself emerged from his retirement to advocate the claims of the civil services in India to additional emoluments. Two long articles from his pen appeared in the *London Times* on the subject. He did not say off-hand that increases of pay and pensions should be granted but he supported the demand for an inquiry into the present position, and the general trend of his argument was that some case for enhancement could be made out. But he admitted that the pay of the Indian services compared favourably with that of the Colonial services, and still more with the pay of the colonial services of other countries (as any one will find who cares to look into the salaries, for instance, of officials in the French settlements). He must also have been fully aware of the present condition of India's finances, and no one knows better that higher salaries mean an increased burden for millions of people who are already struggling under an excessive load of taxation.

Mr. Montagu even had the hardihood to suggest that the Inchcape Committee, which was sent out to India to cut down expenditure in every, possible direction, might be able to find some means of improving the expectations of discontented civilians! How

can this be done? "It may well be", said the ex-Secretary of State, "that the inquiry I am suggesting or the Inchcape Committee can recommend some retrenchment by the absorption of appointments or posts which can be dispensed with." In other words the retrenchment of waste departments and superfluous posts were not to benefit India but the White Services.

### The Royal Commission.

On January 4th. it was known in England that Lord Peel had already decided to recommend that the whole question of the position, prospects and grievances of the Indian Civil Services would be examined by a Royal Commission. Mr. Montagu was probably aware of this intention when he wrote his 'Times' articles, which looked as if they were a bid for the chairmanship of the proposed Commission. His nomination to that position, however, would not have been very acceptable to the Services concerned, for notwithstanding the encouragement which he had given to some of their financial claims, the policy associated with his name was regarded by many officials as having largely created their present and prospective 'hardships.'

The details of the projected inquiry were then under discussion between the Secretary of State and the Government of India. The personnel of the Commission and the terms of reference were to be announced very shortly. According to a statement in the *Times* of January 4th. the view taken at the India Office was that the grievances of the services were well founded. If there was to be "continued recruitment of young English men of the right stamp," these grievances, it was said, must be met by prompt inquiry and amelioration. Justice to the present incumbents also demanded immediate action. Much was made of the fact that economic conditions had changed for the worse since the report of the Islington Commission was issued seven years ago. On this occasion the Home Government were out for a short and summary measure to mitigate some of the more obvious grievances, such as the alleged prohibitive cost of passages to and from India, etc.

Mr. Montagu favoured a much wider inquiry than the mere investigation of civilian claims. He suggested that the general organisation of the Services, Imperial and Provincial, should come under review. "It can hardly be doubted," he said, "that Indian development will be on 'quasi'-Federal lines, and that the province, either the existing province or a new province, will be the unit of Indian administration. The opinion is widely held that this provincial autonomy ought already to be largely expanded; and there can be no doubt that in purely provincial affairs, the provinces must tend to become more and more autonomous, and

more and more entitled to resist, and capable of resisting, interference either from the Government of India or the Secretary of State in Council".

The deduction which Mr. Montagu drew from this was that as the Civil Services in India became more and more executive agents of Government, it would be found, unless some alteration was made, that the provincial Governments were forced to use as their main executive agency Services recruited by, and therefore responsible to, extra-provincial authorities. Mr. Montagu was doubtful whether this system should continue. It was one of the questions which in his opinion urgently called for inquiry.

#### Interpellations on Reopening.

Indian questions appeared on the agenda again on February 20th when Sir Charles Yate called attention to the report of the Inspector-General of Police in Bombay with regard to the need for speedy and drastic measures to improve prospects of officers in Imperial Police. Earl Winterton said that the Royal Commission on Indian Services would of course have to give special attention to the position of the police. Thirty recruits were required from England in the year, but no difficulty in obtaining them was anticipated.

Replying to Lt. Col. Howard-Bury with regard to the Indianisation of eight units of the Indian army mentioned in Lord Rawlinson's speech in the Assembly, Earl Winterton explained how the Indianisation would be carried out and added that the evolution of the scheme would be watched with sympathetic interest.

Sir Frederick Banbury asked whether this step which some members thought extremely foolish had been carried out with the sanction of Government. Earl Winterton replied: "Yes, and I deprecate very strongly any criticism of the scheme which may have the effect of discouraging at the outset of their careers the enthusiasm of young Indian Officers" (Cheers).

Asked whether any British officers would be "axed" as the result of this step, Earl Winterton emphasised that the scheme provided for the gradual transference of the British Officers to other British units beginning with subalterns.

#### Stores Purchase.

Replying to Commander Bellairs, Earl Winterton said that rebate on hides and skins imported into England had been in force but the value of this trade was inconsiderable, otherwise there was no specific advantage to Imperial trade with India over foreign trade. As a result of free competition, by far the greater part of Government stores imported into India was of British manufacture. Captain Terrell declared that the Indian Stores Department had been placing very large contracts on the continent and he urged that

steps should be taken to see that British traders were given preference. Earl Winterton emphasised that the latest figures had showed that by far the largest part of the Government of India's requirements were purchased in Britain.

Commander Bellairs: In view of the fact that the British taxpayer pays for the entire naval defence of India, will Earl Winterton make representations that Indians should do more for taxpayers in Britain? Here the Speaker intervened.

On February 26th an incident occurred in the Commons when Sir Charles Yate drew attention to the speech of the Viceroy with regard to resolutions of the Indian National Congress at Gaya and asked what steps would be taken to quell the disturbance before it arose. Earl Winterton said he was of opinion that it was not very easy to quell a disturbance before it had arisen and suggested that the great improvement in the conditions in India compared with a year ago made it less necessary for Sir Charles Yate to interest himself to the extent he did in the details of administration. There were cries of "withdraw" and Viscount Curzon shouted "absolutely disgraceful." Following this, Earl Winterton explained, however, that he had not suggested that Sir C. Yate had not a perfect right to ask questions on principles of administration, but he specifically said details of administration. Nothing he could say could give a more definite assurance than that contained in the Viceroy's speech. Both he and Lord Peel rather deprecated Col. Yate's repeated suggestions in his questions that the Governments and their officers in India were not doing their duty.

### The Royal Commission

Col. Yate suggested that as the proposed Royal Commission on Indian services might not be able to report for some considerable time, Lord Peel might consider the question of granting some interim immediate relief for the difficulties of civil servants owing to rise in the cost of living and fall in exchange.

Earl Winterton replied that he was not prepared to make a statement until the commission had been formally constituted and had opportunity of considering the materials that would be placed before it.

Mr. Gwynne emphasised that civil servants were in great distress and were anxious for the appointment of some quicker tribunal than a Royal Commission and urged for immediate relief.

Mr. T. Williams.—Will the Royal Commission take very great care that civil servants do not confiscate all the benefits to the disadvantage of British officers?

Earl Winterton replied that these points would be considered. As the Commission had been appointed among other purposes ex-

pressly for enquiring into the grievances of the Civil Service, it would be inopportune to take any action until the Commission had reported. He hoped the report would be available earlier than Col. Yate thought and promised to convey to Lord Peel the suggestions that had been made.

Replying to Sir H. Craik, Earl Winterton admitted that the commission would probably be unable to go to India until the end of the year, but did not admit that the situation was serious as had been stated.

In another question Sir John Hewett drew attention to the fact that Sir Henry Wheeler had refused to release political prisoners in Bihar and Orissa while Sir William Marris had taken a different course in the United Provinces, and asked what was the justification for a divergence of policy in two adjoining provinces. Earl Winterton replied that he had not yet received a full statement of the reasons for the action taken in the United Provinces. Local Governments in the exercise of their discretion in this matter evidently were guided mainly by their view of local conditions. The authorities in India were discussing the question of the exercise of this discretion generally.

Sir H. Craik—Is it not considered proper that Governors in the exercise of their discretion should consult the Government of India before they come to a decision.

Earl Winterton replied that this was a very important question and the matter was now being discussed between the Government of India and Provincial Governments. He pointed out that discretion was legally vested in the local Governors.

### The Princes Protection Act.

On February 27th. an important debate on India occupied the House of Commons for a few hours. On this day Colonel Wedgwood (Labour) put forward a motion in favour of petitioning the King not to give Royal Assent to the Indian States Protection Act passed by the Council of State in India at the Viceroy's bidding. He declared that there was a good deal of oppression and misrule in some Indian States. The only safeguard against oppression, he maintained, was publicity. The policy of preserving censorship in Native States was supported only by the executives of Punjab, the United Provinces and Madras. The Government of India were faced with the Gandhi agitation and wanted friends, and so on.

The debate is given in full in the following pages. In the end, however, as was to be expected, the Colonel's motion was negatived by 279 votes against 120.

Colonel WEDGWOOD moved:—

“That an humble Address be presented to His Majesty praying that he withhold his assent to the Indian States (Protection against Disaffection) Act, 1922.”

In moving it, he said:—

This is the first occasion on which the Viceroy and Governor-general of India has resorted to his undoubted powers under the Government of India Act to certify legislation which has been rejected by the Indian Assembly at Delhi. The House will realise that under the Government of India Act an elected majority was given to the Legislative Assembly at Delhi and wide powers were given to that elected majority. At the same time, power was reserved to the Viceroy to pass through legislation against their wishes on his own initiative. That Act has now been in operation for rather over two years, and there has not hitherto been one single occasion on which the Viceroy has felt it desirable to exercise his power, so harmoniously has the Act worked. At last, the Act has now been used by the Viceroy in order to pass this legislation with which I am dealing.

The particular legislation passed is one to which in any case this House should turn its attention. It concerns the relations with and our responsibilities for those people in India who are not British subjects, but subjects of the native Princes in India. The native Princes in India belong to very various categories. There are in fact over 700 of them varying in power and distinction from one of the scale from the Nizam to the Lord of a Pari, which is more comparable to the lord of the manor in England than to anything else of which I know. Great and small are all affected by this Act, and in civilisation they vary from a polished English gentleman, such as the Gaskwar of Boroda to the mere mediæval robber chief. All these Chiefs, and there are over 700 of them, have this in common, that they are independent of His Majesty's Government, and they are controlled more or less by the presence of a British resident in some district. They have wide powers over their subjects and almost absolute power. There is no Habeas Corpus Act and they have the power of imprisoning, and indeed have almost absolute power over the property, liberty and the lives of those Indians who live within their territory. It is admitted by the Indian Civil Service and it was admitted by Mr. Thompson himself, who was the prime mover in this Bill, that,

“There is a good deal of oppression and misrule in some of the Indian States.”

That misrule and oppression is under a system of Government which is absolute in countries where the subjects have no rights and publicity is the only check. That view was expressed in the same Debate by one of the Princes or agents of the Princes as follows:

“Though in some isolated places there may have been some flaw in their administrations, the chief himself considers his subjects as his own children.”

So did Henry VIII and Louis XIV. That is the view taken by the princes, and the apologists and supporters of the princes in India. They take almost exactly the same idea of their duties to their subjects as was taken by the great kings of the past in this country. In order to visualise the conditions in those countries, we can look back pretty accurately at the state of France before the French Revolution in order to understand the conditions that exist. When I was over in

India I heard a good deal about the condition of these native States, and I remember one Governor explaining to me that by dint of great pressure he had managed to restrain one of these native rulers who had been going in for brutal forms of torture, and he said he had only restrained him, and had not managed to change the system. Therefore, there is certainly real cause for anxiety if we take our responsibilities to these people seriously. The old check upon autocratic abuse in India has gone. If in the old days any ruler abused his position his subjects always had the right and power of rebellion, and they could put him off his throne. Now any step of that kind is impossible because their thrones are supported by British bayonets, and we have the responsibility of supporting bad rulers as well as good.

Sir CHARLES OMAN:—We remove them sometimes.

Colonel WEDGWOOD:—I was coming to that point. One check we preserve is the position of the Residents at the Court, who can report if things are too bad, and then you get them removed. The position of the Residents in these Courts is an extremely difficult one. He knows intimately the Chief. He receives every sort of token of friendship at these Courts. He hunts with the Rajah. His whole life is bound up with the life of the Rajah. Very often the Resident knows perfectly well that it is his business to keep things moving smoothly, so that there shall be no scandal and no public criticism of what goes on. His business is principally to have no history rather than definitely to look after the interests of the subjects of the native State. Indeed, his position is more that of keeping the peace between the British Raj and that native Rajah than looking after and protecting the subjects of the native Rajah, so that the Resident is not a very reliable protection for the native in these States. Indeed, it must be obvious that, as in other parts of the world, the best, and, indeed, the only, safeguard against oppression is publicity. The fear of publicity, the possibility of publicity, and the knowledge that what is done may find its way into the Press, and so to the ears of either the Legislative Assembly at Delhi or of the British public is and has always been realised to be the most efficient check upon any oppression. That being so, there has been a constant effort to keep that safety valve working, and there has been a constant effort on the part of those who benefitted by the autocracy to get that safety valve closed.

In the period 1823 to 1835 there was a time when we had rules which prevented any native newspaper or any native outside the native State from criticising safely the action of the rulers inside those States. Those rules were finally repealed under conditions, according to Sir William Vincent, that even such a stalwart conservative as Mr. Thompson would scarcely think of defending those rules now in this or any other Council. These rules were repealed in 1835, and from 1835 to 1910 there was no question whatever of penalising newspapers in British India for publishing criticism of what went on inside the native States. But in 1910 the Press Act was passed, and I am always glad to think that it was opposed in this House by Mr. Keir Hardie and myself. We were almost alone in this House against that repressive Legislation. It was passed then, and we shall be grateful for the repeal of that iniquitous measure. The freedom of the Press has been the safeguard of this country just as in India. The Press Act was repealed because we turned over a new leaf in our



relations with India. The Reforms came, and the Government of India Act was passed inaugurating, as we hoped, a period of co-operation between India and England. When that Act was passed it was realised, not only here in the India Office, but also in India, that the time had come to repeal the Press Act also. They appointed a Committee to consider whether the Act could safely be repealed. That Committee took evidence on this very question of whether it was safe to repeal the Press Act so far as the interests of native princes were concerned. They took the evidence of the officer concerned, and the officer concerned, Mr. Rushbrook Williams, said:

"I have not come across anything which, in its substance, went beyond the grounds of legitimate criticism."

#### THE PRESS ACT COMMITTEE.

That was the official attitude of the official concerned. On the Press Act Committee sat not only the Law Member but Sir William Vincent himself, the Home Member, than whom no name has had more to do with the administration of India during the last 15 years. That Committee unanimously came to the conclusion not only that the Press Act could be repealed so far as British India was concerned, but that no steps need any longer be taken to protect the interests of the native princes from criticism in the British India newspapers. That was how matters stood after the Press Act Committee had reported. But a change has come over India again. Parallel and almost simultaneously with the change from Mr. Montagu to the Noble Lord who now presides over the India Office there has come a change in India. Sir William Vincent is no longer the power behind the throne. His place has been taken by Mr. J. P. Thompson. The change came just at the moment when this question was being considered. Mr. Thompson was acting Political Secretary. I am afraid that he may be now the real genuine Political Secretary. The idea of removing the Press Act from the princes was immediately reconsidered. The first step was to ask the views of all the local legislatures, and of the nine local legislatures who were consulted in the matter it is interesting to see that they got support for their new policy of preserving the censorship only from the executives of the Punjab, the United Provinces, and, I think, Madras. They got no support whatever from the great Province of Bengal, presided over by Lord Lytton, and they got no support from the Central Provinces, under whose aegis come most of these native rulers. Nor did they get support from Sir George Lloyd, the Governor of Bombay, who in his area had perhaps the most important of these native rulers. The support of the Punjab and the United Provinces however, was enough to go on with. The Government of India, face to face with the Gandhi agitation, wanted friends. The alternative was to make friends with the people or friends with the princes. They chose the princes. In fact, bureaucracy and autocracy came together to support each other against democracy—a thing which has often been done before. This is what Mr. Thompson says on the situation, and it exactly illustrates the new orientation of the Government in India.

"Native States have interpreted their obligations to us to include protection for the British Government against what we may call seditious attacks. If one of these States comes to us and asks us how we have interpreted our obligations, what answer do we give?"

In other words, if some ruffian robs and tortures our enemies we are bound to torture and rob their enemies. Is that the argument? If, as has happened over and over again, they deprive the families of agitators of their property, are we to adopt a similar method of dealing with the people who criticise the Indian Prince?

Sir F. BANBURY:—Who says so?

Colonel WEDGWOOD:—Mr. Thompson suggested that as these States have interpreted their obligations to us to include that sort of thing, we ought to reciprocate and deal with their interests in the same way.

Mr. GWYNNE:—The hon. and gallant Gentleman said just now that this Bill was carried through by Mr. Thompson. He is quite inaccurate.

Colonel WEDGWOOD:—I never said anything of the sort. I said that Mr. Thompson had taken the place of Sir William Vincent as the power behind the Throne in India.

Mr. GWYNNE:—The hon. and gallant Gentleman said that this Bill synchronised with the departure of Sir William Vincent.

Colonel WEDGWOOD:—Of course, nobody reading this could suppose that Sir William Vincent had gone. The whole point is that Sir William Vincent, who is a Conservative influence with a sound, democratic English instinct behind him, has been replaced in the Government of India by Mr. Thompson. Indeed, the whole of these debates is really one long struggle between Mr. Thompson and Sir William Vincent. But, having decided that it was our duty to scrap the recommendations of the Press Act Committee and come to the rescue of the Princes, the Government of India discovered that they were under a pledge and bound in honour to the Princes to support them and that no other course was open to them. (Hon. Members: "Hear, hear!") I thought that remark would be cheered, but, if that was felt, why did the Press Act Committee, with the Law Member and the Home Member upon it, not report in that sense? If that was felt before, how is it that before 1910 when these pledges which have been going on for 100 years were perfectly well known, no attempt was made to carry them out, and how is it, when they consulted the local government, that it was not suggested that there was a pledge? What was the point of consulting anybody if the Government were bound in honour to do the thing in any case? If you come to study the pledges themselves, what sort of pledges are they? This is one of the pledges, as given by Mr. Thompson. I cannot discover the Treaty from which he quotes, though I suppose he is quoting from one:

"We are to permit no diminution of the honour and reputation of the Maharajah at the hands of others."

Really, if we are going to take on that sort of job, we shall have our work cut out. So far as I can see from the Treaties that are quoted, the best justification for the attitude of the Government is as follows. It is a sort of common form Clause, which occurs in a great many of the Treaties:

"The friends and enemies of one, shall be the friends and enemies of both."

Does that mean that we are to treat their enemies as they treat our enemies in every respect? Is it possible that hon. Members can really consider that, which is the most extreme Clause in any of these Treaties, to be binding pledge upon Government at this time to prevent criticism in British Indian newspapers of what goes on in the native States? It was on the strength of these Treaties that we read:

"We, the Indian Government, have decided that we are bound, in honour to afford the Princes the same measure of protection as they previously enjoyed under the Press Act."

That is during the 12 years. The pledge, which was unrealised 12 years ago and which was unheard of, is now to be binding, not only on the Government of India, but upon this House. I say that the only term that can be applied to such an argument is that it is arrant humbug, and they know it. What we want to know in this House is how far the Home Government has been responsible for this change of front. Above all, seeing that we have had so many papers published on this question, may we also have published the private telegrams which constitute so large a part of Indian administration? It is well known that the public telegrams between India and the Government of India here are few, whereas the private telegram constitutes a very large proportion of the direction of the Indian Government. Can we have these published, so as to see how far this new movement came from this end and how far it was inspired by the Viceroy or Mr. Thompson? That being the case, the Indian Government having changed its mind, it introduced this Bill. It brought it into the Legislative Assembly at Delhi and that Assembly turned it down by 45 votes to 41. It was brought in under the 10 minutes rule, there was very little discussion upon it, and it was rejected. The rejection was felt to be a slur on the Government. Consequently the Measure was introduced into the Council of State, where they have an official majority, and there it was carried through without a Division and without allowing a single Amendment. The Bill under these circumstances comes to us for consideration.

Sir John HEWETT: Many I point out there is no such thing as an official majority?

Mr. SPEAKER:—It is usual, when an Hon. Member desires to correct another Hon. Member who is speaking, to ask the leave of that Hon. Member to intervene.

Colonel WEDGWOOD:—I am obliged to the Hon. Gentleman for his interruption. I should have said an official and nominated majority. None the less, the Bill was carried through the Council of State, and no one was allowed to amend it. Now it comes before this House for consideration. I want the House to appreciate the wording of one Clause, which is to the effect that whoever prints any document which is intended to excite disaffection—and disaffection includes disloyalty and all violence—whoever prints any document intended to excite disaffection towards any Prince or Chief or Government shall be punishable with five years imprisonment, or fine, or both. That, I suggest, is a very stiff Clause.

The UNDER-SECRETARY OF STATE FOR INDIA:—Will the hon. and gallant Gentleman read the remainder of the Clause?

Colonel WEDGWOOD:—Sub-section (2) I suppose the Noble Lord means. From that, one is to understand you can express disapprobation quite safely if you can express it without exciting contempt or disaffection. How difficult it would be for an editor to draw a line between right criticism and wrong criticism.

Earl WINTERTON: Will the hon. and gallant Gentleman read the whole of the sub-section?

Colonel WEDGWOOD:—You can read it yourself, but I will do so, It runs:

“No person shall be deemed to commit an offence under this Section in respect of any book, newspaper or other document which, without exciting or being intended to excite hatred, contempt or disaffection, contains comments expressing disapprobation of the Measures of any such Prince, Chief, Government or Administration as aforesaid with a view to obtain their alteration by lawful means, or disapprobation of the administrative or other action of any such Prince, Chief, Government or Administration.”

What is meant by “alteration by lawful means”? There are no Legislative Assemblies, and no lawful means. What does the Noble Lord mean by “lawful means”? There are no means whatever for the subjects of these States to secure any alteration in the law. They have no representation.

Sir CHARLES OMAN:—They have representative Governments in the case of Mysore and Bikanir.

Colonel WEDGWOOD:—If they were all like Mysore, possibly there would be no opposition to this Bill. Mysore has better education than British India. If Hon. Members think it easy to criticise without exciting enmity, I wish they would try it in a Conservative newspaper without inciting enmity against the Labour Party. How much more difficult it is for the Indian to do that can be judged from the Viceroy's own description. In the last year he has found no less than 170 cases of hostile criticism in the Indian Press. Yet the Press Act has only been used in three cases. Therefore, according to the Viceroy, in his estimation this new legislation is going to stop 167 cases of hostile criticism which it was not proposed to proceed against under the old Act. Again, under the old Press Act, you could be warned and your deposit confiscated. Under this new Act you go to prison for five years. There is no warning, no notification, no confiscation; you just go to prison. I should like the House to understand this beautiful touch, which even I did not appreciate before, that is, even if your criticism is based on fact, if you are merely detailing the truth, that does not alter the fact that you are inciting to sedition. The truth of your accusation is no defence against a charge of sedition. I think we in this country may legitimately, in accordance with our best traditions, turn down any such legislation.

I should like to give one or two examples which were quoted in support of this Act. No doubt the speaker who used them chose the most terrible examples he could find. Here is one of them. An Indian ruler is given a year's notice that if he does not set up responsible Government he will be ejected. Is not that terrible? Another is a warning to, “the 700 odd gilded puppets in India to put their houses in order, to liberalise their administration, lest the flame of the

popular movement should gut the old and moth-eaten fabric of indigenous but autocratic rule in India."

Is it worth five years' imprisonment to talk in that way? If these are the most horrible examples of criticism that could be found, I think we should be hardly justified in upsetting all our best traditions in order to pass legislation such as this. There was on the Council in the debate which took place one speaker who got up and stated the ordinary view of the ordinary English gentleman. But that man was not an Englishman I am sorry to say. He was a Madrasi—Mr. Rangaswami Aiyangar—and he summed up his position thus:

"This Bill presupposes that the Press is always in the wrong and that the Princes are always in the right. A good Administration does not require a Bill of this sort: a bad ruler with a bad Administration does not deserve to have a Bill of this sort. The only existing check upon an autocratic ruler is this public criticism."

Unfortunately, this gentleman did not find a seconder, but I believe he was speaking the voice of the ordinary average decent Englishman much better than the official members of the Council did. I can only regret that that view was not expressed as it should have been by English democrats, and that it should have been left to the Labour party in this House to back up the sentiments which should guide our administration in India. But our administration in India has changed, and is changing.

"Unity and concord":—says Mr. Thompson:—"are the things, the great qualities at which we have got to aim."

Yes, unity of the bureaucrats and autocrats. [An Hon. Member: "The fighting races."] Yes, the fighting races of the Punjab. Surely it is possible to bring the Council of State to see reason without quite so much hypocrisy. The statement of Mr. Thompson is that they are merely making illegal in India that which is already illegal in England. Did we know that before? Are we here bound by such a law to prevent us criticising what goes on in France, or Germany, or America? If so, there is going to be a bad time for some one. What offends most is the argument used again and again that because the Princes lent their Imperial Service troops during the War, we must now assist them to retain their autocratic rule over the people who did the fighting. Let me give the exact quotation from Mr. Thompson's speech.

"At the same time the Government of India and the people of India have received such loyal help from the Princes during the War that it is our duty to do what we can to protect them."

Really it was not the Princes of India who saved this country in the War, but the men who did the fighting. The men who, amid appalling conditions all over the world, suffered and laid down their lives, are the people to whom we should be grateful in India.

Sir FREDERICK BANBURY:—Did not the Princes suffer any losses?

Colonel WEDGWOOD:—Not one of them was even wounded, but the common people lost hundreds of thousands. And the common people of India did a good deal more. Hon. Members who have read the Mesopotamia Report will know the conditions under which they

fought and died in Mesopotamia, and I say that to use the patriotic action of the Princes and people of India in the War as an excuse for sacrificing the interests of the people of India to the Princes of India—

Mr. GWYNNE:—They were from Native States.

Colonel WEDGWOOD:—They were Imperial Service troops from the Native States.

Colonel SIR CHARLES YATE:—Considering all that the Princes lost in the War, the hon. and gallant Member's statement is a most disgraceful one.

Mr. SPEAKER:—I think the hon. and gallant Member for Newcastle under-Lyme might be allowed to continue his speech without interruption. Hon. Members will have their opportunity of replying.

Colonel WEDGWOOD:—The subjects of the Native States are our responsibility all the more because they took part in the War, and the part they took in the War is used as an excuse and as a reason, apparently, by Mr. Thompson for sacrificing their interests to the interests of their rulers—their good rulers. Bikanir is quoted, but is it to be imagined that the sort of things that go on in these minor Native States go on in Bikanir or Baroda? The best of the Indian Princes are quoted, but let the worst be quoted, because it is there that criticism is necessary, it is there that it is desirable that the light of publicity should spread—not in States which are well managed. Hon. Members know the Native Princes who came here, but they are the civilised ones. It is not in their States that the difficulty arises; it is in the little hill States up beyond Simla, where there is not even a resident on the spot. Those are the places where the injustice occurs, and it is to protect the subjects of these States that we want this motion. When I see Mr. Thompson quoting the fact that the Princes helped in the War as a reason for depriving their subjects of ordinary opportunities of resistance to oppression, I think the limit has been reached in hypocritical humbug. This is Mr. Thompson's peroration:

“Their troops and our troops have trodden many a march of glory side by side.”—

Yes, they have—

“and their dead and our dead have their rest together.”

Yes, they have.

“That is all. Nothing more. Lest we forget.”

#### Mr. THOMPSON'S RECORD.

I hope we shall not forget these people, and I hope that the people of India will not forget that sort of humbug. They know perfectly well Mr. Thompson's record, and they will not forget him. They are still likely to forget that at this moment we are sacrificing their interests in the interests, really, of this combine of autocracy and bureaucracy against the people. The fact of the matter is that we have taken the wrong turn in India. Two years ago we decided to try and make the Indian people our friends. Then very unfortunately, the Non-co-operation movement spread in India, and made the new task of the Indian Government extremely difficult. Instead of co-operation and work towards real Dominion Home Rule in India, the

opposition of the Non-co-operation movement made that process difficult, and gave that part of the administration in India which was against the reforms their opportunity of attempting to put an end to those reforms. The struggle with Gandhi, the struggle with Non-co-operation, became more and more difficult, and the Government of India, instead of widening the scope of the reforms, instead of trusting in democracy, turned round and attempted to ally themselves with the old-fashioned powers of the Princes of India.

I do not think that that move is likely to be successful. Some of the Princes of India, the best of them, are already giving some form of democratic government in their States. The Princes of India are most of them patriotic Indians who are as anxious of Indian rule in India as any other sort of Indians. Any attempt such as this to bind them to our chariot wheel will be resented as much by the Princes of India, the thinking ones, as by the people of India themselves. I am certain that, when this question comes to be re-judged, when the next step in democratic development in India takes place, the Princes of India and the people of India will be found working together for a democratic extension, and resenting the fact that this attempt has been made to separate them and create this quite unnecessary cleavage. I am certain too, that we on this side of the House are right in protesting against this change, that we are right in insisting that the best remedy is publicity, that the old English traditions are preferable to new-fangled ones taken from the old charters of the autocracy, and that we are right in asking this House to refuse its sanction to the action of the Viceroy in over-riding the Assembly of India, and in begging His Majesty to withhold his sanction to this Act.

I understand that on these matters, while the Labour party is united, the Liberal party has not yet made up its mind, and it is to those Liberals who used to be my colleagues that I would address my concluding remarks. Surely those who have been civil servants in Crown Colonies rather than in India must realise that the whole of British administration is at the turning point of the ways. Either we can go down the autocratic channel, and continue to maintain our dominion by force, by autocracy, by bureaucratic rule, or we can take the new road that has been pointed out to us lately opening up, as I think, a brighter future for the British Empire even than our history of the past has disclosed, leading to the democratic development throughout the Empire, of a large number of Dominions united in interest, united in sympathy, self-governing in fact. In that direction we may found a British Empire which will be the nucleus of a new world. Along the other road other States have attempted to travel in the past. The Roman Empire, the French Empire under Napoleon, the German Empire—all those Empires of the past have attempted to control their dominions by force. Let the Liberals in this House show clearly that at this turning point they wish the British Empire to march on the road to democracy, and get away from those old-world Empires that were based on force.

Mr. SNELL:—I beg to second the motion. In doing so, I wish very earnestly that no words of mine shall add to the difficulties and embarrassment of those who have the great responsibility of the Government of India on their hands. In any matter of mere administration, where it was a question of the mere adjustment of means to ends, it would, I think, be the duty of most Members of this House to accord

to those who are on the spot, who have a closer knowledge of the difficulties that are to be met, their very fullest support; but the Act which is before the House, and to which we are asked to give our assent, is not one dealing with a mere administrative matter, but deals with a matter of fundamental importance affecting the general principles of right and wrong, of human liberties, about which even those who have but a very limited experience of India are perhaps as capable of judging as may be the Viceroy himself. It is with this question of giving assent to a measure which very seriously limits human freedom that this House, as it seems to me, has to concern itself. We are asked to give assent to this Act, which imposes penalties upon Indian subjects for the expression of opinions which, however wrong they may be, they hold sincerely; and, so far as I am concerned, I trust that the day will never come when a measure of that kind will pass this House without being very seriously challenged. What does this Act really propose? It imposes a penalty of five years' imprisonment, with or without a fine, upon anyone who may—

“Write, edit, print or publish any book, newspaper or document calculated to bring into hatred, or contempt, or to excite disaffection against Princes or Chiefs of the Native States in India, or the Government or administration established in any such States.”

Let the House notice the implication of the words used. A man is to be imprisoned, not because any words that he has written or printed or published have actually caused riot or sabotage or revolution. He is to be imprisoned, or may be imprisoned, for five years, on quite other grounds, namely, on the ground that the speculative mind of an official may think that his words might have caused disaffection. He is to be judged before the results of what he has written have become known. I desire to ask, in all sincerity, who is to judge what words are likely to cause disaffection and what are not? Who is to judge which particular combination of words would have the results that are feared in this Act? More than that, who is wise enough and quite good enough to be the judge to sentence to five years' imprisonment any man for the use of words the effect of which is at the time unknown? Then there is an additional difficulty. The judge who will be concerned will probably be a judge with a Western mind and training. He may, perhaps—I do not say that he would be, but he might, perhaps, be—a little too zealous in seeking promotion; he might be incapable of making advance towards democracy. Now the movement has been reversed. Mr. Thompson is behind the Throne in the place of Sir William Vincent. Mr. Thompson was in times past the inspiration of Sir Michael O'Dwyer. They know him in India. They know that Martial Law in the Punjab was largely carried on under his administration. It was that knowledge, and the pressure consequently brought to bear on the Government of India that secured a transfer of Mr. Thompson from the Punjab to Delhi. He has been promoted since he arrived in Delhi and I have no doubt he will be still further promoted. But I think that we in this country may have something to say as to the promotion of this gentleman. If the Hon. Member will only read the debate they will see the sort of arguments that were made with due allowance for an embroidered Oriental style; he might be incapable, too, of discounting a great deal of vehement rhetoric that is used East of Suez. My hon. and gallant Friend, in introducing the Motion, gave an illustration or two of the words complained of and it would be fair, as he said, to assume that of all the



expressions that have been used, that most expressive have been chosen for the purpose of influencing this House. Let me take as an illustration the words.

"People will see to it that the present system of administration is smashed to pieces within five years."

That expression may seem reprehensible to those who have had direct contact with Indian Affairs, but to the judgment of this House I hope an expression of that kind will not be sufficient to justify giving any man five years' imprisonment. I do not know what we should do in this country if we were all to be imprisoned for suggesting that the administration in power at present ought to be smashed within five years. Many of us would hope that that end would be achieved in a great deal shorter time. Here is another quotation:

"An impatient new fledged detective in search of sedition and is worth no more than an ordinary detective who is a traitor."

We have expressions against the Police in our own country, but those are never met with a repressive punishment of five years. May I repeat a quotation used by my hon. and gallant friend as showing what we call an Eastern style:

"We call upon the 700 odd gilded puppets in India to put their houses in order, to liberalise their administration, lest the flames of the popular movement should gut the old and moth-eaten fabric of indigenous but autocratic rule in India."

Those are vehement words, but they mean very little when they are really examined, and certainly they are not wicked or dangerous enough to justify any man being imprisoned for them.

In my judgment, to pass an Act of this kind would be a real danger to our position in India, and would do a great deal more harm than it could possibly do good. It may be inferred, if this Act be passed, by the natives of India that the British Government has given up all hope or intention of endeavouring to rule India along the lines of developing progressive Government, freedom, and so on. They may judge that quite well, and feel that the Government has determined to fall back upon a policy of force. I think I may say on behalf of everyone on these benches that in our judgment in the long run a rule cannot be based upon force. In the long run it must be based on good will prevailing between the two peoples. The way to promote good will, if that is the basis of just Government, is not by repressive Acts, not by limiting speech or writing, but rather by a kindly tolerance of differences of opinion that they may have about our rule. It may be possible to justify severe action in the case of rioting or sabotage or violent revolution, but it is not and never will, in my judgment, be justifiable that we should stifle free criticism of any Government in India or anywhere else. It seems to me that we are proposing in this Act to give the Princes of India a protection which is not given to the King Emperor himself, and it seems to me, too, that it is against the first principles of sound Government. It may be one of those dangerous steps, if we take it, from which we cannot possibly retreat. There are steps that we take in life that involve other steps being taken in consequence. I believe this Act is really against the foundation of our rule in India. As I understand the famous Proclamation issued in 1858, which was the Magna Carta of Indian liberties, we undertook to concede the same rights and principles to the Indian people as to British subjects born

elsewhere. That means that in the fundamental principles of Government they are entitled, as far as is possible, to the same liberties and privileges as ourselves, and our own experience has been that it is never safe, never wise, and scarcely ever right to attempt to interfere with the free expression of opinion, because in the end you do not suppress it, you merely drive it underground to work in subterranean ways what ought to be above ground and before the eyes of all men.

It would seem, too, that the Government is growing nervous above the general unrest which is taking place in India and elsewhere, and that unrest needs to be dealt with with infinite patience and with a great deal of care. The Indian, for example, sees himself excluded in spite of the Proclamation of 1858, from other parts of the British Empire, from Australia, New Zealand and Africa. whilst at the same time people from these Colonies seem to have free access to India. Then we have to remember that the symptom of unrest which we see in India is general throughout the East. The East is awakening from her long sleep, and in attempting to become articulate it uses futile and fierce invective sometimes which does not merit, at all events, repressive Acts. I should say that the unrest in India is first of all not a reaction specifically against British rule, but a reaction against Western civilisation as a whole due to a revival of race consciousness, and the way to deal with that awakening is to express a trust in the Indian people and to encourage them along the way to self-Government, paying little attention to specific and entirely futile outbreaks of the kind which have been recited to the House.

Our experience in England through many centuries has been that liberty pays best in the end and not repression. The only reprisal that you get from giving freedom is that of good-will. Therefore, in the interests of British civilisation and its rule in India, the right thing to do is to let the Indian people alone, at any rate until they transgress much further than has been suggested in this House. I am one of those who believe ultimately in what we call a British Commonwealth of Nations, a set of sister peoples, with equal privileges and responsibilities and each managing its own affairs, living contentedly under the general principles of the British Constitution. and I feel that if we are to attain that desirable end one of the very worst things to do is to introduce repressive legislation such as has been suggested. Our history in India has not been without faults or free from incidents which many of us would deplore but, at any rate, I believe our rule on the whole has been for the good of the Indian people. Do not let us at this late hour in the 20th century do something which is unworthy of our record in India, and may prejudice British rule there in the future.

Mr. Charles ROBERTS:—I am sorry that the House wears the ordinary aspect, which it almost invariably wears, when Indian questions are being discussed. This Motion proceeding from the Labour party and the erudition of their benches this evening shows the scanty attendance which, unfortunately, always prevails when Indian questions are discussed. (Hon. Members: "And your party too!") The whole House does not give, in my view, sufficient attention to these Indian questions, and the Labour party is no exception. Therefore I do not find fault with my hon. and gallant Friend the Member for Newcastle-under-Tyne (Colonel Wedgwood) for drawing attention to

this question. He is clearly within his rights, for the whole of these documents as is provided lie upon the Table of this House to enable hon. Members to raise any question in reference to them. But I think that my hon. and gallant Friend will allow me to say that he was hardly acting according to the traditions of this House in his attacks upon Indian Civil Servants. The tradition of this House is that we do not attack and find fault with those who are doing their duty to the Empire in conditions which make it impossible for them to reply to attacks made on them. It may be that he may know, either from private information or published documents, that the personal politics of some of these gentlemen may differ from ours; but I think that it would be better to confine our criticism to the Government which is responsible, and to the Viceroy whose action is called in question to-day, and not deal with men who bear the burden and heat of the day in the difficult conditions in India.

Colonel WEDGWOOD:—That is a most excellent rule to keep so long as the civil servants keep it, but when a civil servant takes part in debate it is absolutely essential that one should be able to deal with the remarks which he makes in debate. Otherwise we cannot form any judgment on the question at issue. This debate was carried on by Mr. Thompson, and therefore it is impossible to deal with this subject without criticising Mr. Thompson's view.

Mr. ROBERTS:—I think that the whole procedure from that point of view is very difficult. We are not in a position to consider this Bill as though it were being introduced for the first time in this House. In my view it would be more generous not to attack men who cannot answer for themselves, but to deal with the arguments and not to have the personal note which my hon. and gallant Friend introduced. But it is not really the question of this Bill which we have got to discuss this afternoon. That may be formally within the terms of this Motion, but what we have got to discuss is the action which has brought this Bill under the cognisance of the House. My hon. and gallant Friend did not challenge the fact that the Governor-General is acting within the limits on his undoubted powers. He is not acting in virtue of any antiquated, obsolete powers dug up from some musty armoury of prerogative. He is using a power deliberately given by this House not four years ago when the Government of India Act was passing through this House.

I was not in the House then, but my hon. Friend was. He did not agree with the Bill entirely. He wished it to go much further, but in the final summing up he waxed positively lyrical in his congratulations to Mr. Montagu for the conduct of this great Act: He said that he had never succeeded in carrying any of his measures through Parliament. He had never done anything more than speak a few cheering words to a few rebels, but Mr. Montagu had done this great thing. But as an integral and indispensable part of this great thing there is this power which the Viceroy has used. The existence of this power was recommended in the Montagu-Chelmsford Report. Anyone who looks back to that Report will see a paragraph which anticipates exactly what has occurred to-day, namely, that the Legislative Assembly might throw out or refuse to give liberty to introduce a Bill, and it was laid down that in that case it would be legitimate for the Viceroy to pursue the exact policy which he has adopted. That

power was deliberately granted. I had some part, both in India and in this country, in the discussions of the reform scheme, but I do not know who invented this power, I think that it would puzzle the author of those reforms, which were the result of the most elaborate criticism and discussion by Indian politicians and civil servants and the India Office, both in India and in this country, to know how any particular provision originated.

Earl WINTERTON:—It was advised by the Joint Committee.

Mr. ROBERTS:—As the Under-Secretary reminds me, it was advised by the Joint Committee, and it was deliberately devised because in the circumstances which we had to envisage you could not get on without this power. Otherwise you led up to a constitutional deadlock out of which there was no possible issue except either the breakdown of the reforms or the shattering of the authority of the Government of India. It was seen that it would be required in the working of these reforms that you should grant to the Viceroy of India not merely a veto on legislation which he might regard as harmful legislation but a positive power of carrying, by a process of certification, legislation which he thought essential in the interests of India. My hon. Friend did not challenge the existence of that power. He moved many Amendments, but he did not propose any Amendment to cut this power out. He never divided the House against it. It was explained to him by Mr. Montagu, who said that in the reforms you were introducing a change, you were abolishing what was known as the official block, and if the official block in the Legislative Council were abolished you must give the Viceroy and the Governor-General the power of initiating legislation. My hon. Friend said, after that explanation, "I quite agree that the Viceroy ought not to be deprived of the opportunity of passing legislation which he thinks is essential for the safety of India or the British Empire." He agrees. Therefore, so far as this power is concerned, it is agreed that it is a recent power and that it is the exercise of a power deliberately devised and intended to be used.

The only real question is whether this is an appropriate case for the use of the power. It, of course, should not be used recklessly or heedlessly, but when you get the exercise of this power, an exceptional privilege put in the hands of the Viceroy, and when it comes up in this House for review, I am bound to say that the question is not entirely fresh, and we have to regard it from the standpoint that we have entrusted the Viceroy with a special privilege and power which in this particular case he has thought fit to use. My hon. Friend seemed to think that it marked a turning point, that the new Secretary of State for India had deviated from the policy which was pursued by Mr. Montagu. I do not know whether that is so, but I certainly do not think that in this particular case there is any evidence of any great deviation of policy. I am judging merely from the published documents. My hon. and gallant Friend should not overlook the fact that Mr. Montagu, as well as the present Secretary of State, thought that there was a real case to be met. He sent a telegram on 5th August, 1921:

"I understand the objection to the retention of legal measures for the special protection of Chiefs and Princes but I suggest that in view of the notorious frequency of blackmail by disreputable papers,

and of the history of the matter, you should consider whether the protection of your Courts could not be afforded to those Princes in a manner that would not be negatived by their objection to appearing in Court."

Mr. Montagu laid great stress on the frequency of blackmail, and he did seem to suggest to the Government of India that there was a case which should be met, and the only question is whether it has been met properly in this instance. We are dealing with a matter which is not often discussed in this House, namely, the relations of the Government of India to these Princes and Chiefs in India. There are many Members in this House who are, no doubt, intimately acquainted with the subject. I do not for a moment suggest that the House is not fully competent to express an opinion, but it is a matter which falls somewhat out of the ordinary purview of the House, and when the Viceroy comes forward and says that he is bound in honour and in justice to a particular course, when he certifies that a Measure is essential for the interests of India, I think we have to decide that it would have to be a very strong case indeed for the House of Commons to use its ultimate power of overriding such action. I entirely agree with the hon. Member who has just spoken, that it is not for me to suggest what the consequences of such a course would be, but it is open to anyone to imagine that they could not fail to be serious.

One has to find whether there is or is not an arguable case for the Measure. If there is, and if the Viceroy has adopted this action in reference to it, it would be very unwise for the House of Commons to intervene and override his action. There is a fairly arguable case. The matter has been spoken of as though the only point at issue was whether we should stifle criticism of the measures of these Princes. The hon. Member has ignored, though it turns up more than once in the papers, that the offences against which this particular Act is levied are not merely political criticisms, but, to some extent at all events, blackmail. That is admitted; the existence of that practice is admitted by Mr. Montagu and also by a few Indian Members who spoke in the Debate.

No one likes this kind of legislation, but there are safeguards in this Measure which were not in the Press Act. I was very much surprised to hear my hon. and gallant Friend say that he preferred the action of Executive officers under the Press Act, with their premonitory warnings, to action through the Courts under this Act. There are very distinct and definite safeguards in the Act. It does not stifle criticism. The spoken word is not interfered with. So far as I can see, there is nothing in this Act which will prevent meeting being held up and down India denouncing the misdeeds and the misconduct of the Princes. It is only the written word which is attacked. Disapprobation of the political measures of these Princes does not fall within the purview of the Act. There are appeals to the High Court, and no prosecution can be entered upon except with the assent of the Governor-General-in-Council. It is a better procedure than the Press Act, which has been in force up till now. But the real defence of it is this: One must remember that the territories of these Princes, or at least the most important of them, are not technically, British territory at all.

I know how difficult it must be for the Labour party in any way to restrict or curtail its feeling of universal benevolence towards India. But, after all, these territories are technically not the British Empire at all, and hitherto we have proceeded on the principle of mutual abstention from interfering with each other's domestic concerns. It may be that abstention can no longer be maintained. It may be that you cannot keep these States any longer in water-tight compartments. Many of them are delightful and picturesque survivals of an obsolete rule, which no doubt is quite out of touch with modern ideas. The Princes have absolute personal rule. The best of them will tell you in sincerity that they hold their rule as a trust from God. Not all of them, perhaps, live up to that ideal. I imagine that even the casual visitor, going to some of the most archaic and old-fashioned of these States, does not find much difficulty in discerning beneath the smooth surface some of the leaven of unrest which is at work all over the East. But, even so, this movement of reform or unrest must come from the peoples of these States and should not be whipped up from outside.

Interference with the liberty of the Press is, of course, unsuitable to our own more progressive administration in British India. That is agreed. But if you are going to leave these States to work out their own salvation, if they choose and the inhabitants of the State wish to maintain a system of Government which we should not like, but which, after all, is the indigenous Indian system, then we cannot very well expect that there will not be measures and proceedings which seem inconsistent with our ideas. But if you are to have personal government you must have the incidents of personal government. It is no use imagining that you can combine all the apparatus of a full self-governing democracy with the maintenance of some of these ancient and picturesque States. I think we should be well advised to leave the States to work out their own salvation, and when their Princes and Chiefs ask unanimously that there should be maintained with additional safeguards, that were not in existence before, some protection, I think they have some claim on us. My hon. and gallant Friend made very light indeed of their services during the War. That was not the view of himself or of this House during that time. They gave not inconsiderable material. They gave us, in addition, the great moral help of their support at a critical moment in the War. I think they surprised foreign nations who did not appreciate the strength of our appeal. In these circumstances, while I do not object to the matter being brought to the attention of the House of Commons, I do not think we can ask the House to override the deliberate action of the Viceroy using powers which have been deliberately entrusted to him, and I hope when my Hon. and gallant friend receives the satisfaction, which he will doubtless receive, from the Under-Secretary for India, he will be able to see his way to withdraw this Motion.

Mr. GWYNNE:—As I have on many occasions criticised the administration of the Government of India and of the Viceroy, I am happy to think that on the present occasion I can give them, for what it is worth, my whole-hearted support against this motion. The Hon. Member for Derby (Mr. C. Roberts) who has just sat down, appears to have been a sort of political Balaam so far as the Hon. and gallant Member for Newcastle-under-Tyne (Colonel Wedgwood) is concerned.

The Hon. and gallant gentleman called upon his former colleague of the Liberal party to support his motion and he evidently expected the Hon. Member for Derby would get up and curse this measure, instead of which the Hon. Member for Derby has blessed it and has indeed justified it to such an extent that very little remains to be said in the way of argument against this motion. I was rather sorry, but not altogether surprised to hear the Hon. and gallant Member for Newcastle-under-Lyme moving this motion in the terms which he employed. I wish he had displayed the same moderation as was shown by the seconder. However, those of us who have been for some time in this House do not take too seriously the enthusiastic attacks of the Hon. and gallant Member. I have heard him on many occasions revelling in being a rebel. I remember one particular debate upon India, in the course of which he said, one of the product moments of his life was when Mr. Montagu compared him to Mr. Gandhi, and he went on to say that Mr. Gandhi was regarded as a saint in India. I do not know whether the Hon. and gallant gentleman considered that we in this House thought the same of him. At any rate, I hope the newer Members of the House will not take too seriously, coming from the Hon. and gallant gentleman, what in most people would be a very unfortunate, if not disgraceful, attack on the Indian Princes. The Hon. and gallant Member said this Bill did not deal with the British subjects but with the subjects of Native States. I think he is mistaken there. This is a Bill which does deal with British subjects in British India and has nothing to do with Native States. He went on to say that before 1910 nothing whatever was done in regard to the protection of the native Princes from attacks in the Press. If the White Paper be correct the Hon. and gallant Member is wrong, because according to it the Viceroy distinctly says:

"Long prior to the passing of the Press Act, it had been found necessary to take certain measures for the protection of the Princes."

Colonel WEDGWOOD:—He does not say that measures were actually taken before them.

Mr. GWYNNE:—I am quoting what the Viceroy himself says, and the Hon. and gallant Member will excuse me if I take the Viceroy's word rather than his. The Viceroy says it was found necessary to take measures.

Colonel WEDGWOOD:—They did take them under the Press Act, when it was found necessary.

Mr. GWYNNE:—They had been taken before 1910. In any case the real point is this, that the Hon. and gallant Member has a grievance in this particular case against the Viceroy for having exercised his authority. It is quite clear, however, that the Viceroy was expected to use the power which had been given to him as the Hon. and gallant Member will see if he will read the finding of the Joint Select Committee.

"It is not, however, within the scheme of the Bill to introduce at the present stage any measure of responsible government into the central administration and a power must be reserved to the Governor-General-in-Council of treating as sanctioned any expenditure which the Assembly may have refused to vote, if he considers the expenditure to be necessary for the fulfilment of his responsibilities for the good Government of the country. It should be understood from the

beginning that this power of the Governor-General-in-Council is real, and that it is meant to be used if and when necessary."

It cannot be questioned that the Governor-General is acting within his rights. It cannot be questioned that the Bill was almost passed without the necessity rising for the exercise of those powers. It was introduced under the ten minutes rule and was only defeated by four votes in the lower Assembly, while it passed by an overwhelming majority in the upper House. The Mover of the Motion made a very unfair attack on Mr. Thompson. As a matter of fact, Mr. Thompson did not speak at all when this Bill was first introduced in the lower Assembly, and when he did speak on the second occasion, he carried it with only one dissentient, showing at any rate what was thought by the people in India.

Colonel WEDGWOOD:—He never spoke in the Assembly at all, but only in the Council of State.

Mr. GWYNNE:—The hon. and gallant Member seemed to infer that Mr. Thompson was entirely responsible and put all the blame upon him. It seemed to me that the hon. and gallant Member tried to lead the House to believe that it was Mr. Thompson who moved the Bill under the ten minutes rule and failed. I agree with the last speaker that the attack on Mr. Thompson was very unfortunate. This is really a matter in which the Viceroy and the Secretary of State are entirely and directly responsible, and if this Motion be pressed to a Division and carried it will be a Vote of Censure on the Government. What does the Mover of the Motion want? The main point in his speech was that he disliked the present system of Government in the native States. He referred to arbitrary rule and to the want of freedom which natives living under native Princes have to undergo. I am bound to say if I were given my choice, I would rather live under the beneficent rule of one of the native Princes, although it might be an autocracy, than under the so-called democracy of Lenin and Trotsky which the hon. and gallant Member so much admires.

Mr. NEWBOLD:—"So-called democracy" everywhere.

Mr. GWYNNE:—I think the hon. and gallant Member would have more freedom under a native Prince and more chance of retaining anything he has—especially his head. What does he actually suggest? He is perfectly entitled to say he does not like this old-fashioned system, but does he suggest that we are to allow, in British India, a propaganda to go on for the vilification of the Princes?

Mr. NEWBOLD:—He suggested nothing of the sort.

Mr. GWYNNE:—Then why does he try to prevent us from stopping these attacks being made on the Indian Princes.

Mr. NEWBOLD:—It is all a parlour game.

Mr. GWYNNE:—He suggests that we are in honour bound in this matter, but what exactly are the pledges which have been given to the Indian Princes? For the last hundred years they have been promised that their rights shall be conserved. In Queen Victoria's time a Proclamation was issued which stated:

"We shall respect the rights, dignity and honour of India's Princes as our own."



As recently as 1921 there was a Royal Proclamation, in which the Sovereign says:

"In my former Proclamation I repeated the assurance given on many occasions by My Royal predecessor and Myself of My determination to maintain unimpaired the privileges, rights and dignities of the Princes of India. The Princes may rest assured that this pledge remains inviolate and inviolable."

Does anybody suggest, after that pledge, that we should allow seditious attacks to be made on the ruling Princes of the native States from British India, and allow British India to be made a jumping-off ground for such attacks. In view of that pledge, it would be positively intolerable to do so, and what might be the result? The Mover of the Motion wants tranquility and a new era in India. If we are to allow sedition to be preached in the native States against our rule in British India, will that bring about tranquility? Is that the way to inaugurate a new era? No, Sir, I think it is perfectly clear we are bound to support the Princes, more especially when we consider what they have done for us. The hon. and gallant Member for Newcastle-under-Tyne tried to make a point against the Indian Princes in regard to what they had done during the War. He said it was really the men of India and not the Princes who rendered us aid, and he tried to hold the Princes up to ridicule. But, after all, the people whom he is supporting now are the agitators who took no part whatever in the War. When the people and the Princes were helping this country in the War, the agitators were preaching sedition, and it is those people whom the hon. and gallant Member now favours. It is to those people he wishes to give a free field and a free hand to go on with their pernicious programme, disregarding the loyalty and the help which the Princes gave us at that time. I hope I shall not be out of order in pointing out to the House the great assistance which we received from the ruling Princes in India. The Mover of the Motion said he did not refer to two or three of the States, that some of them were enlightened, and he was only dealing with the small ones. But let me point out that even the bigger ones have been attacked freely and seriously. There are 27 States in India, and I will not be expected to go through the whole list.

Colonel WEDGWOOD:—There are 700.

Mr. GWYNNE:—There are 27 States which maintain Imperial Service troops, and it is those to which I refer. These States placed all their troops at our disposal, and not only that, but increased the number of their troops in order to help us. Further, we received countless gifts from the ruling Chiefs. The personal gifts amounted to £2,500,000. His Highness the Nizam of Hyderabad paid £20,000 a month towards general war expenditure from September, 1914, and afterwards made a special gift of £100,000 for anti-submarine purposes. Early in the War His Highness the Maharaja of Mysore made a gift of £333,000, which was increased in 1917 to £400,000. They kept up hospital ships, they gave hospitals, they gave aeroplanes, they gave staff motor cars, they contributed to the Ministry of Munitions, and in every way that they possibly could they helped. The Nizam even sent £100,000 to the Admiralty for the anti-submarine campaign, and these are the people whom we are to allow now, if the hon. and gallant Member has his way, to be vilified while the agitators are to

be excused and pampered. I am only too delighted that the Viceroy has shown that he means to deal a little less tenderly with these agitators. Already, since firm action was taken with regard to Gandhi, we have had more peace and tranquility in India, and if such a course had been pursued before it would have been much better, but now that we are going to show that we intend to govern and to back up the Government of India, do not let us be turned from that path. Let us support them in every way if they are going to show more backbone and more strength, and I for one am very glad to think that there is going to be a change, and that it is much more likely to bring about tranquility in India.

Mr. SAKLATVALA:—I suppose I shall be pardoned for saying that I cannot tear myself away from the feeling that we are conducting a mock Debate, with a foregone conclusion. I want all my colleagues here to-night to remember that for these few hours they are not the same Parliament which they imagine they are, and which they were up to 4 o'clock this afternoon. Up till 4 o'clock this was a Parliament, that believed in the representation of the people in the supreme right, above the Sovereign right, of the elected representatives of the people. After 4 o'clock, Parliament has reversed its engines, and it believes in a dictatorship over a foreign people through a man whom they have sent out and in whose selection 300,000,000 of people had no voice whatever. The Parliament which here wants to give speed and growth to democratic institutions, desires to extend the franchise, and pretends to give further and further rights to the enfranchised people, is at the same time spreading itself over thousands and thousands of more miles further away in other parts of the world, where this very Parliament demands that the people of those countries shall have no voice in the administration and governing of their affairs. This Parliament, as it now considers the Bill, is not the advocate of the right of the representation of the people, but of the dictatorship of somebody outside to other peoples of the world, and this is an entirely different Assembly.

There is a danger in this sort of Debate having, perhaps, a misleading effect. By our very effort to save the Government from rushing into a mad act we are liable here on the Labour Benches to be surreptitiously drawn into an Imperial policy, as if we wanted Imperialism to be run more correctly than they desire, but though there is such a danger, there is no reality in it. The Labour party is asking the Government not to do something ridiculous and silly, which would betray their own aims and efforts, but by so doing it does not give a pledge to the other side that the Labour party desires a more correct form of Imperialism to be observed than the Government desire. There is also a danger, on the part of our Indian friends that, by this kind of struggle, by this kind of tug-of-war with the Imperialist, foreign, dominating power, they are tacitly accepting the right of this country to send a Viceroy at all. That is not the position from the Indian point of view, and we do not want to be snared into the false Imperialism which after the War, the whole world, barring the Liberals and Conservatives of Great Britain, have passed to the winds. I am glad that on this occasion our friends, the Liberal party, are openly associating themselves with the Government so far as we have heard their speakers. We do not wish to have, on such Imperial ques-

tion the idea that there are three groups in this House. There are only two groups. The one group is the group of Conservatives and Liberals combined that believes in the supreme right of this country and this Parliament in exploiting and dominating over the countries that do not belong to them and that never sent forth men here in their country to disturb them at all; and opposed to them there is only one group that does not believe in such Imperialist domination, but believes in the co-operation of all nations on terms of equality and equal rights.

The real difficulty with regard to the Viceroy's position arises from the system which he has got to maintain. After the War the whole of the world, civilised as far as you may call yourselves, or uncivilised as far as others may think, has come to realise that political Imperialism is mere barbarity, however nicely you put it. The world has also come to realise that no country and no nation can now live at peace and in prosperity by crushing other nations economically. If there was no Viceroy in India to represent this political domination of Britain, but if there was dozens of Britishers to represent the fraternal co-operation of the working classes of Britain, this Bill and this question and this Debate would not have arisen at all, and the result would have been far better than that at which the Government or the present Viceroy may be aiming. I myself realise the position. You send out a Viceroy, and you tell three hundred millions of people that they have got nothing to do in selecting the head of their administration. You have only got to send out a certain person for a number of years to rule over the people, not to consult them, not to serve—to govern them in the interests that are not known to the people as the people's interest. I quite imagine that the Viceroy should more than once run away with the idea that he can only be doing his duty to the Mother Country whenever he defies the wishes of the people in whose midst he has got to live his life. That being the position, the Viceroy runs to this House and asks that we should back him up, and in order to preserve Imperialism as such, you are going to back him up.

May I ask this House to consider the effects upon the sections of the Indian population? The new Act dared to enfranchise 6 per cent. of the population of India, most of whom laughed at the artificial right of franchise given to them by a foreign dominator, and 85 per cent. of those who were given that franchise scorned it, and said they would have nothing to do with it. As the balance, there is just 1 per cent. of the population of India that is hanging on to the Viceroy and his Councils and is keeping faith in British administration as it now stands. It is one per cent., but I know the men and the women that are in it. They are worthy of everybody's co-operation, they are good men and good women, and they deserve well of anybody's consideration, but above all, I want the Government to realise that here is this 1 per cent. volunteering to keep faith in British institutions, volunteering to come forward to back up the Viceroy and the British Councils and the British mode of administering the country—

Mr. SPEAKER:—This is not the occasion on which to review the Government of India or the present system of Government in India. The only question that arises here is whether the right judgment has been exercised within the law now existing in India.

Mr. SAKLATVALA:—I was going to make the point, Mr. Speaker, of drawing the attention of the Government, to the people whom they are hurting by rejecting the Motion of the Labour party. The people who are now protesting against the Viceroy's action, and the people whom the Labour Party is now trying to back up, are the people who have dared to become the laughing stock of 99 per cent. of their own countrymen in their effort to stand by the British institutions and the Viceroy and the Government here are now throwing them over. They are telling these people that there is no reality in the Councils, that they have believed in something that was a sham, and they are further telling these people, who the other day sent in a petition which was duly sent forward asking this House to consider their position, that this House does not exist in reality as a protector of representation and popular freedom. This will be the effect if the Government persist in their policy and do not take the warning that is offered to them from these Labour Benches.

The action of the Viceroy has another side, which I will ask the Government to bear in mind, and that is this:—The people of India do not believe that the Viceroy is taking this measure for the protection of the Princes as such. The people of India know that. Up to the end of the reign of Lord Curzon, the Princes of India were driven by a whip by the Viceroys of India, and it was the Indian papers and the Indian public organisations that were always protecting them and protesting against the action of the Government. The people of India have now begun to believe—they may be right or they may be wrong—that the Government are now adopting a policy of quietly influencing, and even, where possible, of indirectly coercing, the Indian Princes to maintain a very reactionary policy in the Native States, and that the Government of India are now at the back of what is known in India as Imperialism, which is being exposed by honest criticism in the Indian Press, on which account they are out to pass this Act over the heads of the people of India. It was said by Members on both sides in the Debate that there is a pledge. Who gave the pledge? The Viceroy, whom the people had never elected. He gave the pledge, and he wants the representatives of the people to stand by his pledge. That is the unnatural position of Imperialism. There is no constitutional position in such a pledge, and there is no obligation on the people of India to maintain such a pledge. They are not parties to it.

The representatives of the Government in justifying the action of the Viceroy, remind the people that the position is that the friends of the British Government are the friends of the Indian Princes; the enemies of the British Government are now the enemies of the Indian Princes. But does the House realise that at this very moment the Government of India are saying to the public of India that the public of India are their friends, and that no Press Act is necessary? If the Government of India are satisfied in calling the journalists in India their friends or, at least, not their open and avowed enemies, whom they must fear and dread, whom they must suppress before they commit any crime, why does the Government not remain satisfied on his own showing and tell the Princes of India that they are not exposing them to any special attack of the Press? Now that the Government of India is becoming more and more civilised, and is beginning to believe that Press criticism is

not their enemy but their friend, the Indian Princes should also be made to believe that Press criticism is their friend also, so far as, and so long as it is the friend of the Government.

The whole position, as it appears to me, is that, taking Imperialism as it exists, I, individually, should be very sorry if some common sense dawned upon the Government and they refrained from taking this action and advised the Viceroy to come to an amicable settlement with the people and the representatives of the people, which, according to petitions sent from Bombay, they are quite ready to do just now. If by any chance they did so, it might be a very great act of justice to those people in India who still seem to be keeping faith in British promises, British administration, the right of the British to be in India at all, although, individually, I should be sorry. I should also like very greatly the so-called Liberal party to associate itself with that Measure, so that the people of India may know that their faith in popular representation, and their faith in the administration of that country as you administer yours, is a mere sham and hollow talk. I should be extremely pleased if the Government rejected the Motion of the Labour party, because that is the only way by which this last lingering vestige of Imperialism in this world will go to its grave. If by any chance you began to show common sense, and if by any chance you began to retrace your steps, it would be somewhat calamitous, because it would still enable Imperialism to continue to exist, and I am quite ready to take sides with the Motion of the Labour party, because it is quite obvious that the Labour party can never advocate the principles that one individual should have autocratic power over the representatives of the people. At the same time, I hope that, after the action of the Government in defying the Labour party, the Labour party will begin now to discriminate between the existence and non-existence of Imperialism.

Before concluding, I may just add one word as to the Indian Civil Service about which there was some argument on account of some remarks offered by the hon. and gallant Member who moved the Labour Motion. I do not believe that it is the intention to attack personalities or Members with regard to this particular Bill. What we do feel is that it is not so much the individual desire of the Viceroy to push it through over the heads of quite a new assembly, as it is the traditional practice of the Indian Civil Service, and not because individuals who form the Indian Civil Service are themselves particularly selected wrong men. That is not the idea, but that whole system and machinery has got its own fault. The Indian Civil Service is not Indian. It has no reputation for being civil and it is a domination and a usurpation. Barring these three great defects, they are all right. I, therefore, say to the Government that if they wish to destroy Imperialism, as they should, they should go on with their autocratic programme. If they wish to give an extended lease to British Imperialism, they may tell the Viceroy to retrace his steps, to climb down and find some other camouflage to rule the Indian people.

*HOUSE OF LORDS—MARCH 1ST, 1923.*

The Public Services Commission came up for discussion in the House of Lords on March 1st. Lord ISLINGTON, who had presided over the last Services Commission, asked for reasons for the appointment of the new Commission, what were the subjects into which it proposed to enquire which had not been enquired into by his Commission of 1915, what would be the cost, and whether India would bear the whole burden. He declared that the work of the Commission would be very laborious and costly and it would be almost impossible to limit the scope of the Commission's activities. The Commission would disturb the existing system and would again traverse a great deal of old ground and revive racial animosity. He strongly criticised the Government and said that a Commission was not suitable to deal with these difficult problems but he disclaimed hostility towards the Government.

Viscount PEEL in reply expressed the opinion that Lord Islington's opposition was based to some extent on Lord Islington's own Commission, which on a magnificent scale had proceeded with almost oriental indifference to the passage of time. He said that Lord Islington seemed to be thinking that the Commission would take from seven to eight years to report. But no such Commission had ever suggested itself to Viscount Peel or the Government. Lord Islington appeared to think that his Commission had exhausted the whole subject. The work of the Islington Commission had been very valuable and a very large proportion of its recommendations had been carried out. Great authorities, however, were divided regarding the proposed Commission. Mr. Montagu favoured the Commission, while Lord Islington did not suggest any other method of arriving at the conclusion which Viscount Peel hoped would be reached. He emphasised on the vast changes in India during the last few years. No one approaching the question from the pre-war point of view could form an opinion of any value on the position of the Services. The Commission would not deal with constitutional questions. It was merely a corollary of the reforms. The Commission would be small and, very likely, would be criticised by the extremist press and give material to agitators, but if Lord Islington like Viscount Peel had the duty of reading perpetual attacks on the Government in the extremist press, he would not attribute the same importance to them as he apparently did. It would be very foolish to be driven from a wise course by the criticism of the extremists.

Lord Islington, interrupting, said that the people of highest responsibility in England and India strongly opposed the Commission.

Viscount PEEL replied it was widely admitted among the wise Indian political thought that it was necessary that there should be

substantial recruitment for many years from England and the Services must be placed in a satisfactory and contended position. As regards the cost, he was far too well aware of the present financial position of India to suggest any imitation of the Islington Commission. The expenditure would be small and he was sure that a very few months would be sufficient for the Commission to report. He had received innumerable representations from many persons, competent to speak with regard to the position of the services, also many memorials from different sections of the services. He emphasised the great difficulty of securing Europeans of the proper quality for Indian Services largely owing to the uncertainty of the recruits with regard to the prospects. A situation might very easily arise in which there would be very serious danger that the administrative machinery in India might be imperilled unless the whole subject were examined and dealt with. He gave figures showing deplorable shortage of recruits compared to before the war and said that what was even more unfortunate was the number retiring on proportionate pension. There had been 227 applications since November 1921 of which 217 had already been sanctioned. The most serious aspect of the case was that the European recruits from Universities were not forthcoming in anything like sufficient numbers. Even with normal wastage, apart from premature retirements, we should not, he said, be able to make up the full number of appointments in spite of the special recruitment of exservice officers and reduced demands for the Europeans owing to the increasing number of Indians. The number and proportion of Indian recruits already exceeded that laid down in 1920, because it was necessary to take Indians owing to the small European recruitment. He was dealing with the matter from the point of view of the Indian administration because it was generally recognised as essential that the Indians and the British should work together. As regards the police, there was not quite the same difficulty in getting recruits. The difficulty there was rather in the number of retirements of senior experienced officers. It must be some time before younger men going to India would be sufficiently experienced to occupy the senior posts. The whole position of the Services had totally altered as the result of the Act of 1919 and the position and functions of the Services should be fully considered in the light of that Act. It might have been better if an enquiry had been held when the reforms were instituted and the necessary results of reforms upon the services then fully considered, but it was not easy enough to do so. He emphasised the fact that the question would be dealt with as quickly as possible and did not wish it to be even suggested that the Commission was merely in the interests of the Services. It was in the interests of the good administration of India.

## HOUSE OF COMMONS—MARCH 1923.

## Political Releases in the U. P.

On March 19th Sir CHARLES YATE, the anti-Indian Tory die-hard, brought up in the House of Commons the action of Sir William Marris in releasing 107 political prisoners immediately after his appointment as Governor of the United Provinces, which action he, no doubt, severely condemned. When the question was called Commander Kenworthy asked the Speaker whether the expression "so called political prisoners" (the term used by Sir Charles Yate) was in order. Mr. White (Speaker) replied that he did not like assumptions of this kind put into questions, and he would give instructions for their removal in future.

Lord WINTERTON then announced that as the answer to the question was rather lengthy it would be circulated in the Official Report. It is to the following effect:—

'The Secretary of State has now received a summary of the detailed explanation furnished by the Local Government to the Government of India, the gist of which is that the local government took the action in question, which was within its legal competence, in view of the greatly improved political situation and the general and widely-expressed feeling on the subject in the Province. The Governor had made it clear in his speech at the time that their action implied no abandonment of the intention to maintain law and order. The local government explained that they exercised the discretion vested in them without prior reference to the Government of India, in view of the change for the better in the political situation and the fact that the Government of India had allowed considerable latitude to local governments in dealing with situations arising in their respective provinces in the light of conditions there prevailing.

'The Government of India, in view of the fuller information availing to them as to the extent and nature of the action taken are satisfied that it was, in the circumstances, justified, and my noble friend, the Secretary of State, finds himself after full investigation, in agreement with the conclusion. At the same time my noble friend is discussing with the Government of India whether some closer degree of co-ordination in this respect between the various administrations is not desirable.'

## Moplahs Transported to the Andamans.

Mr. HOPE SIMPSON (Liberal) asked the Under-Secretary of State for India whether any and, if so, how many Moplahs have been transported to the Andaman Islands; how many are imprisoned in Jails in India and Burma; and whether the sentences they are serving were inflicted by Courts-martial or by the ordinary criminal Courts of British India?



**Earl WINTERTON :** As regards Moplahs transported to the Andamans, inquiry has been made from the Government of India. On 31st August last there were 8,185 Moplahs confined in jails : and there were then, or shortly after, 1875 cases still to be punished in which 3150 persons were being tried. Most of those convicted had been tried by the Special Courts, consisting of or including Civil Judicial Officers, established under the Malabar Ordinance. Military Courts ceased to try cases when Martial Law ended on the 26th February 1922. Up to the end of December, 1921, military courts had, it is believed, tried only 28 persons.

**Mr. Hope Simpson :** Can the noble Lord tell us how many cases are still pending ?

**Earl Winterton :** No.

**Colonel WEDGWOOD :** Will the Noble Lord tell us how many were actually transported to the Andaman Islands, and how it is that the Andaman establishment, which was closed down by his predecessor, is now again open ?

**Earl Winterton :** That is one of the questions about which I am making inquiry, as I promised a week ago.

#### The Services Commission Again !

The Services Commission was again raised in the House of Commons on March 26th, when replying to Lt. Col. Howard Bury and Mr. Lansbury, Earl Winterton emphasised that the restoration of the vote for expenses of the Indian Services Commission refused by the Assembly in India was not a personal action of the Viceroy but was decided by the Governor-General in Council in exercise of the powers expressly conferred on him by the Government of India Act. The debates in the Council of State and the Legislative Assembly on January 25th and 26th showed that the Government of India agreed to the necessity of enquiry.

**Mr. LANSBURY :** Did the proposal to appoint a Commission originate with the Governor-General in Council ?

**Earl WINTERTON** replied that he did not think he could be asked to say whether or not the decision of the Governor General in Council was taken as the result of representations at any stage by the Secretary of State. The Secretary of State and the Governor-General in Council are completely agreed upon the matter.

**Sir Arthur HOLIHOOK** suggested that one member of each service should be selected to sit on the Commission and all services should be equally represented, or the members should not be connected with any of the services.

**Earl WINTERTON** replied he was afraid this would result in either a cumbrously large Commission or a Commission handicapped by the absence of expert knowledge.

### The Salt Tax

Col. WEDGEWOOD asked: In the event of the Government of India adopting the very exceptional procedure of certifying the increase in the salt tax without its coming before the House of Commons prior to its becoming law, will the Commons be given an opportunity of discussing the action of the Governor-General in that connection?

Earl WINTERNON replied that he was unable to give such promise and it was clearly impossible to hold up the Finance Bill in whatever form it was passed, pending discussion in the Commons.

Mr. CRAIK objected to Col. Wedgewood's description of certification as exceptional and peculiar. Earl Winterton emphasised that the rules under the Government of India Act provided for this course.

### Trade Commissioner.

Mr. HANNON suggested that in view of the great services of of the Indian Trade Commissioner's Office in London in the past to importing Houses, the Government should make a representation to the Indian legislature urging its re-establishment. Earl Winterton replied that the matter was within the discretion of the Government of India to whom he was forwarding a copy of the question.

Lieutenant Colonel BUCKLEY replying to Mr. Hannon said that it had been decided to appoint two additional Trade Commissioners in Bombay and Calcutta. He hoped shortly to announce the names of those selected for the posts and the dates on which they would take up their duties.

### The Salt Tax Debate.

The next great debate in Parliament on Indian affairs was the Salt Tax debate of 14th June and 5th July, 1923. In this connection it should be noted that after the certification of the Viceroy in March, 99 Councillors and Members of Parliament sent a memorial to the British Parliament as a last means of constitutional protest against the iniquitous impost.

It was not at any time expected, remembering that the Governor-General had previously obtained the support of the Secretary of State for India before certifying the doubling of the salt tax, that the reference to the House of Commons would result in the overthrow of Lord Reading, Viscount Peel, and his Majesty's Government then in power in Great Britain. Nor was such a result for a moment desired by any of the petitioners. But the investigation of the case by the members of the House of Commons would, it was expected, throw into relief the grave nature of the political mistake that had been made by the Government of India and its head.

The political situation in the Western world was at that moment very critical. Ill feeling in the United States of America against Great Britain had then reached an extraordinary pitch. So, too, in France, popular feeling swung against the British Empire. Differences of opinion regarding the best methods of treating the central European Powers generated misunderstandings and bad feelings in all directions. In England itself were well over a million workers suffering from the miseries of unemployment, ill-feelings towards the present economic and political systems, and in particular against those in power, including the Tory Government resulted in such an increase in Labour representation in Parliament that for the first time in history the Labour Party formed the official 'Opposition' and the Party who, in the event of the defeat of the Tory Government, would in the ordinary course of business, be called upon to form a Cabinet and to administer the affairs of the Central Government of the British Empire.

In such a situation, a majority of the members of Parliament considered it expedient to support and strengthen the new Prime Minister—the rt. hon. Stanley Baldwin and his Government with all the power at their command. No matter what political crisis might have arisen in India, the political situation in Europe was of much greater moment and far more critical. Therefore Mr. Baldwin would not give any special day in the House of Commons for the consideration of the doubling of the salt duties. Let the matter be brought up, he said, when the House of Commons considered the India Office grant in the civil service estimates. And so it was. On that day, viz June 14th 1923 the Opposition, through Mr. Charles Trevelyan, moved a reduction of the grant by £1,00 in order to challenge the policy of the India Office in supporting Lord Reading's action in certifying the Finance Bill of 1923 containing the doubled salt duties. But the debate was interrupted after a four hours' discussion (of which Lord Winterton, the Under-Secretary of State for India, occupied approximately two hours), amidst protest from all quarters. Eventually a second day, the 5th July, was allotted by the House of Commons and after a seven hours' discussion in committee, the motion to reduce the India Office grant was, in effect, rejected by 213 votes to 74—*Liberals of all complexions abstaining from voting.*

A very good idea of the strength or weakness of the case for doubling the salt duty can be gathered by a study of the criticisms of the Opposition and of the Asquithian, Lloyd George and Independent Liberals; and of the lengthy defence put forward by the Under Secretary of State for India and by those Conservatives who spoke in support of Lord Reading's action. Mr. Trevelyan in moving the

reduction of the India Office grant was careful to explain that the point he was raising was not primarily the merits and demerits of the doubled salt duties, but *the administrative wisdom of using an emergency power on the present occasion, and the loss of confidence in British promises which had already resulted.* This particular point Lord Winterton and other Conservative speakers carefully avoided. And it is not surprising, for there was not a member of Parliament who—out of Parliament—did not admit that the certification of the Finance Bill of 1923 was a most unfortunate action that ought to have been avoided if at all possible. 'But' said Lord Reading's defenders, 'the anticipated deficit had to be covered' (many, in fact, doubted whether the necessity over-balanced the political harm done thereby), 'and there was no alternative.' This was the line taken by the Under-Secretary of State and echoed and re-echoed by his supporters—Sir John Hewett, Sir Percy Newson, Sir Thomas Bennett and others. Those who advanced this argument had not, of course, studied the agenda of last March's proceedings of the Assembly, or they would have known that members of that body had put forward several alternatives. Not a single Conservative speaker in the House seemed aware of the fact of restoration of the four annas import duty on commercial silver (so unwisely abandoned by the Government of India two years ago), plus a temporary surcharge of half an anna in the rupee in customs duties (suggested by Sir Gordon Fraser of Madras), would have covered the deficit. Indeed the silver duty, for some reason or other, seemed *taboo* in the House of Commons just as it had been on the Treasury benches in Delhi. And so Tory speakers assumed that the doubling of the salt duties was the only way of covering the estimated deficit,—that this deficit had to be covered or India's credit in London would suffer,—and that the Assembly therefore did not know what they were doing when they declined for the third time to double the salt duties and so were rightly over-ruled.

An illuminating comment on India's supposed diminishing credit in London—the sole argument for Lord Reading's certification of the Finance Bill—was afforded by Lord Winterton himself—anxious, obviously, to convey to the House how the general situation in India had improved under a wise Tory Government. Lord Winterton pointed out (a) that during the *last three years* there had been a 'substantial reduction in the Indian floating debt,' and (b) that in the case of the *last four* sterling loans put on the market in London, the Indian Government had been able to obtain *progressively 'more favourable terms.'* And this improvement took place *notwithstanding far greater deficits and a much worse outlook; for the appointment of the Inchcape Retrenchment Committee had not then been made!* But they leave but very little argument for the certification of the Indian

Finance Bill, 1923! The £20,000,000 sterling loan of a few weeks ago would undoubtedly have been floated on more favourable terms than the previous sterling loans, had the year's anticipated deficit been covered by a temporary surcharge on customs duties plus restored import duty on silver instead of by a doubling of the bad and unpopular salt duty.

To Lord Winterton's argument that the doubling of the salt duty was satisfactory because it had not resulted in a doubling of the price of salt to the consumer, *but only a rise of 30 or 40 per cent.*, only one reply can be given. Could anybody imagine any Parliamentary leader in England about to face a general election boasting that his party had only raised the price of, say, the poor man's beer by 30 or 40 per cent., and had not doubled it! Such talk is unthinkable in England.

Further, it is doubtful if those critics in England and India (including some of the leading Anglo-Indian journals) who condemn the actions of those legislators who had thrice rejected or voted against the doubled salt duties, as factious or factitious, realise where their criticisms lead. To suggest that the Indian Legislatures do not represent the best views of India, and of the people at large, is to discredit the whole scheme of Reforms, and to imply that it is unsound at its foundations and unreliable as a part of the machinery of Government. After all, the ninety-nine legislators who spoke, voted or petitioned the House of Commons against the certification of the doubled salt duties, included many of the best informed and most reliable public men in India. If their opinions are to be treated as of no value, then the Reform Scheme has already broken down and may be scrapped.

The outstanding features of the debates in the House of Commons were: (1) the mildly expressed but unmistakably clear condemnation of the certification of the doubled salt duties by both sections of the Liberal Party,—such as Mr. Charles Roberts, Mr. Herbert Fisher, Sir Edward Grigg, Sir R. Hamilton, Mr. Hope Simpson and others, which party, be it noted, abstained from voting,—a most significant indication of the way the wind blew; and (2) the admirably restrained and wisely worded representations made by the Opposition (Labour) speakers. India is not always accustomed to hear wise words about the East from Labour members; but a study of the speeches of Mr. Charles Trevelyan, Colonel Wedgwood, Mr. Lansbury, Mr. Buxton and Mr. Ramsay MacDonald will show that they have thoroughly mastered the points of the doubled salt duties, that they had a sound perception of Indian politics, and that proximity to power—for they spoke as the official Opposition—had brought home to them the wisdom of sweet

reasonableness in argument and a broad outlook in imperial affairs. Mr. Ramsay MacDonald accurately summed up the whole matter of the certified Finance Bill when he said that the 'significance of the doubled salt duties was not so much financial as political. . . . ' He did not believe for a moment that certification was essential on financial grounds. .... Indian credit was steadily recovering itself in spite of bad budgets. .... The pledge of great economies had done much to restore India's credit. .... The Governor-General had made a great political mistake in regarding this matter as a chiefly financial problem, and so on.

Fuller details of this historic debate is given on pages 521-540.

### Joint Committee of Parliament

Indian questions did not figure much on the agenda of the House of Commons in April 1923. Some minor interest was created when the question of nomination of members to the Joint Select Committee of both Houses of Parliament on Indian Affairs was raised. Readers of the REGISTER will find from its previous issue the nature of work done by this Committee in Mr. Montagu's time. The Tory Secretary of State, however, introduced a departure, and on April 24th 1923 brought forward in the House of Lords a proposal to alter the character of this Parliamentary Committee. Hitherto it was within the power of any member of the Committee to propose subjects for consideration, but by the terms of reference which for the first time were put into the motion adopted by the House of Lords on April 24th the Committee will in future only be empowered to examine and report on Bills or matters referred to them specifically by Parliament or by the Secretary of State. This step was taken as Lord Peel was aghast at the possibility that members of this Committee should be entitled to raise any question connected with Indian administration, and he did not disguise his misgiving that it was an approach to the French system of infringing upon the responsibility of Ministers.

Lord Peel was very zealous in preserving his own powers of interference in the administration of affairs in India, but he was determined at the same time to reduce the functions of Parliament in the same direction to a minimum. He told the House of Lords that if it was known in India that this Joint Committee was examining into and reporting upon all sorts of questions which are dealt with by the Government of India, it might raise constitutional difficulties. The fact, however, is that the action of this committee in the past (supposing it to have been harmful in any particular) has been insignificant in its effects as compared with his own conduct in forcing

upon India measures which are keenly resented by the people at large. The main object in limiting the terms of reference as approved by the House of Lords was to prevent Colonel Wedgwood and other obnoxious members of the opposition from raising questions that were distasteful or inconvenient to the India Office.

The limiting terms of reference proposed by Lord Peel were warmly supported by Lord Islington who had apparently convinced himself that much of the work attempted by the Committee hitherto had been quite nugatory. He complained that the procedure followed during the last two years had entailed on the members a great deal of work which in the end had proved abortive. This is however true, owing to the inability of the Committee to bring its recommendation effectively to the notice of Parliament. But the Committee certainly did useful work in connection with the Burma Reforms Bill. (see I. A. R. 1922). It was less successful in dealing with the Indian claims in Kenya, no notice whatever being taken of its half-hearted recommendation that a Commission should go out to Kenya to inquire into the matter on the spot. Similarly, no useful result followed from the Committee's consideration of the military establishment in India, or the questions raised with reference to the position of the Indian Civil service.

Lords Harris and Chelmsford welcomed the measure, and another liberalising institution set up by Mr. Montagu was in effect abolished by the conservative Secretary of State. The House of Commons also agreed to the measure on May 1st and a "Standing Joint Committee on Indian Affairs" was confirmed on May 3rd with Earl Middleton, Viscount Chelmsford, Lords Harris, Lamington, Montagu of Bealieu, MacDonell, Pentland, Harding of Penhurst, Clywd, Meston and Southborough and eleven members of the House of Commons.

## The Lords Debate on Indian Frontier Policy

### *HOUSE OF LORDS—3 MAY 1923*

A debate on the Indian frontier policy was held in the Lords on May 3rd. Lord MONTAGU of Beaulieu, whose interest in guarding the frontiers of India at any cost is well known, called attention to the recent policy of the Government of India on the North West Frontier, pointed out the danger of weakening the forces in the cause of economy, and emphasised the necessity of possession of roads and mechanical transport. Referring to affairs of Kohat, while he did not say that such occurrences were the fault of any particular policy, he did think that they were the indirect result of having in Kohat country an enclave of tribal territory over which we

had no control and in which all the blackgurads of that part of the country congregated. He urged that the Peshawar—Kohat road should traverse British instead of tribal territory and he thought that more use might be made of the air force in places where troops were withdrawn. He paid a tribute to the splendid traditions of the frontier forces. His suggestion in effect was for improving lateral communications and mechanical transports on the frontier, coupled with a fatal recommendation to annex the tribal territory between the Peshawar and Kohat districts.

Viscount CHELMSFORD agreed that roads were the key of the frontier situation. There were two possible frontier lines which could be advocated or defended geographically, militarily and strategically, namely, the Indus and the Durand. The present commitments and responsibilities made retirement to the Indus unthinkable and impossible. The expenditure involved in an advance to the Durand was a reasonable explanation why every Viceroy for the past thirty years had shrunk from such a policy. The present line ran somewhere between the two and was largely the result of historical accident. The present policy should be a readjustment. In the light of experience we should have no hard and fast line. There should be no invasion of or interference with tribal territory, but the occupation of such posts as experience suggested might result in peaceful conditions. He did not believe that we should ever have peace along the frontier until we could find work for the turbulent youngmen of those areas. Afridis had been quiet for the last four years largely because they had been working on the Khyber Railway. We could not wash our hands of responsibility in that matter because those people were within our sphere of influence. Referring to Kohat, Lord Chelmsford thought that all would join in pronouncing a tribute to the gallant woman, Mrs. Sarr, and equally to the gallant native officer who had accompanied her. He thought that a tribute should also be paid to the Chief Commissioner.

Viscount PEEL pointed out that Lord Montagu's suggestion with reference to the road to Kohat traversing tribal territory had been frequently discussed by the Government of India. But the alteration would necessitate considerable expense. Replying to Lord Chelmsford's remarks with regard to the possible connection of raids like that at Kohat and the bombing of Mahsud country, he said that all evidence went to shew rather to the contrary and that this particular raid was a reprisal for active seizure of arms. Lord Chelmsford would be interested to know that the air force in India was considering the question of giving notice before bombing. Lord Peel expressed his appreciation of the great debt they all owed to Lord Inchcape for his retrenchment report. The



Government of India was carefully considering the question of mechanical transport. Regarding the Khyber railway from the point of view of giving work to Afridis, Lord Peel said that he could only wish that the railway would go on for ever! He emphasised the strategic value of the line and the saving of expense which would result, also the necessity of roads which had a civilising effect. As regards different frontier policies, he did not wish to belong either to the forward school or to the close-to-border school. He thought we had to deal with cases as they arose and as circumstances dictated, but when a policy was decided upon, it must be carried through vigorously with determination and with no turning back once that policy was laid down.

Lord Peel's speech was only a variation of the recurrent and discordant refrain kept up by the Army Head Quarters that the consolidation of our administration and occupation up to the Durand line is the only and single course open from the point of view of economy and safety. So the militarist view point was the dominant tone of the debate, and in the end it prevailed.

### Kenya Whites in London.

Of much more interest than these jejune debates was the Kenya agitation the centre of which had by this time reached England. European and Indian delegations were coming from Kenya and India to meet and discuss the matter with the Colonial Secretary. The members of the European delegation from Kenya had reached England early in April. They lost no time in getting busy in the prosecution of their design to maintain their ascendancy in that Colony. They were backed by powerful influences, political, commercial and religious, and were resolved to make use of these and every other means for accomplishing their racial ends. The Bishop of Uganda wrote in the "Times" of April 25th a long article supporting the whites' demand. He affected to be more concerned about the consequences to the Uganda Protectorate of conceding the Indian claims than with the injustice under which the Indian population was groaning. He put himself forward as the champion of African native interests (though without any real credentials) and drew an exaggerated picture of the consequences which, as he thought, must follow upon granting the Indian demands. He appeared all the time oblivious of the fact that the potential domination which he attributed in the Indian community in East Africa had long been exercised, and in a very aggravated form, by his own countrymen. This propaganda was meant to enlist the sympathy of the Church in England in favour of the white claims.

### Deputation at Whitehall.

The Kenya European representatives had already caught the ear of the Secretary of State for the Colonies who received them as a deputation on 24th April. The gentlemen to whom he accorded an interview were Lord Delamere, Mr. C. Kenneth Archer and Mr. T. A. Wood C.M.G., (the accredited delegates), together with Sir Northrup McMillan, Major W. Crowdy, and Mr. P. Green who were a kind of unattached collaborators. They were further supported by the Rev. Dr. G. W. Arthur, who had already made himself conspicuous on the European side. The Duke of Devonshire was accompanied by Mr. Ormsby Gore, several officials of the Colonial Office, and the Governor of Kenya, Sir Robert Coryndon. The latter might as well have been on the other side of the table, as it was well understood that his influence was mainly exerted to reinforce the claims of the white minority.

There was another meeting later in the day at which the Secretary of State for India and Lord Winterton were also present. They did little at this stage beyond putting questions to the delegates with a view to ascertaining their exact position, and the latter were left to do most of the talking. The Indian delegation from Kenya was due to arrive in May but before that the white deputation had done all that was necessary to frustrate the Indians. (See the section on Kenya.)

### Interpellations in the Commons.

In May 1923 racial questions raised by the Kenya controversy loomed large both in the British Parliament and in the Press, and the Services grievances were again pressed forward by the die-hard Tories. In the House of Commons on May 7th, answering a question regarding the number of European civil servants who had retired on proportionate pension, Earl Winterton gave a detailed list totalling 245. Mr. Hope Simpson asked whether difficulty had been experienced in filling vacancies.

Earl Winterton stated that there had been no difficulty in some services and some difficulty in others. He hoped that the Services Commission would report in a few months and promised that prompt measures would be taken upon it.

### Services' Memorial

On May 15th again Mr. Stanley Tubs drew attention in the Commons to a memorial by the Indian Civil Pensions Committee, which urged that certain officers in the Indian public services, other than the civil service, who retired prior to 23rd July 1913, should be granted the new rate of pension, approved of in 1919.

Earl Winterton said that it was impossible to grant this demand without abrogating the rule that retrospective effect should not be given to increases in pay or pensions, and without causing a legitimate grievance on the part of other services if the corresponding concessions were denied them. This decision had been taken after full consideration by the late Secretary of State for India in Council. Viscount Peel had carefully reviewed the position and was in full agreement.

Next day a similar question was asked. Replying to Mr. Dugald Cowan (Liberal) who mentioned discontent in the services in India with regard to pay, Earl Winterton said that Lord Peel proposed to bring the petition of the 24th January presented to the Secretary of State for India together with others of a similar character specially to the notice of the Royal Commission and all possible steps would be taken to accelerate the report of the Commission.

Replying further to Sir Thomas Bennett, Earl Winterton said that the question of further improvement in the pensions of Indian Service Engineers had been anxiously considered but no conclusion had so far been reached. It was decided to refer this matter also to the Royal Commission.

#### Appointment of the Lee Commission.

On May 15th Earl Winterton announced in the Commons that Lord Lee had been offered and accepted the chairmanship of the Royal Commission and the names of the other members were announced on the 10th June. They were Sir Reginald Craddock, Sir Cyril Jackson, Sir Chimanlal Setalvad (resigned), Sir Mohd. Habibullah, Messrs. Hari Kissen Kaul, David Patrie, B. N. Basu, and Reginald Coupland.

#### Resignation of the Premier.

The health of Mr. Bonar Law, the Conservative Premier, who had been ailing for sometime past, now utterly broke down and he finally resigned the Premiership on May 21st 1923. His resignation was viewed with alarm in India as Lord Curzon, the ex-Viceroy, seemed to have the next chance. Speculation ran rife in the Press, both here in India and in England, as to the possible successor of the retiring Premier, and a strong agitation was raised against Lord Curzon. It was freely rumoured that if the latter came to the head of the Conservative Ministry, Lord Reading would resign his Viceroyalty and in that case the Duke of Devonshire, the Colonial Secretary, would come out to India as the next Viceroy. The storm however soon blew over, and Mr. Baldwin became the next Premier. It was unthinkable, they said in England, that with Labour as His

Majesty's Opposition in the Commons, the head of the Government should be in the House of Lords where the Labour Party was then unrepresented. The change in Premiership ofcourse meant no change in the Indian outlook.

### The Indian Finance Bill.

This was the time for the discussion of the British Budget in Parliament and the India Office Estimates were tabled for June 14th. The Labour Members of Parliament tried unsuccessfully to raise the question of the Viceroy's Certification of the Indian Finance Bill on a special debate. On May 30th Mr. Trevelyan asked whether Mr. Baldwin would give an opportunity of moving an address to His Majesty in regard to the Indian Finance Act, in view of the fact that eight days in which the address must be presented or rejected had already expired. Mr. Baldwin replied in the negative and pointed out that the Act was already operating. The only action open to the House was to pray His Majesty in Council to disallow it and it would be unusual to allow time to discuss such a motion at that time.

Col. Wedgwood declared that the action of the Viceroy in certifying the Bill was exactly parallel to the certification of the protection of the Princes Act; why therefore was the discussion allowed in the latter case, and refused in the former? Mr. Baldwin said he had been at pains to acquaint himself with the facts, and he understood that the Viceroy had acted under the Government of India Act. The matter could be raised any time on a vote on the Indian estimates and it was open to His Majesty in Council at any time to disallow the Act.

The debate that occupied the "India Day" of the House of Commons is given in full in the following pages. Prior to this, on June 1st, a strong petition signed by 99 members of the Indian Legislative Assembly, the Council of State and some Members of Parliament was presented to the House of Commons by Sir Thomas Bennet.

### Earl Winterton in Manchester.

Two non-official utterances of the Secretary and the Under-Secretary of State for India at this time deserve notice, as they indicate the line of policy pursued by the India Office at this period. On June 1st, speaking at a banquet given by the British Cotton Association of Manchester, Earl Winterton explained the attitude of the Government on Indian Fiscal policy. He said that the Reforms modified the whole situation. As regards the control of Indian fiscal policy from Britain, under the strict letter of the Government of India Act, it would be possible for the Secretary of State to forbid the introduction of particular budget proposals in

India or veto the bill containing them, but it was abundantly clear that an extremely difficult and delicate situation would arise if these powers were used except in the gravest circumstances. It was no longer practical politics to think of regulating Indian tariffs in the interests primarily of any part of the Empire other than India. In view of the immense importance to the Empire of Lancashire's trade and good will, no Government which neglected to do its utmost to protect the interests of Lancashire, when they did not conflict with the legitimate claims of other parts of the Empire, could maintain itself in power for any length of time. Therefore Viscount Peel and he were anxious to do their utmost to assist in the attainment of an amicable understanding in the long-standing controversy. The surest method would be establishment of direct relations between cotton interests in England and India. The removal of the impression in India that the Indian fiscal policy had been too much oriented towards Britain was most desirable. Otherwise the relationship between Britain and India would become increasingly delicate. If the representatives of cotton industry in England and India were prepared to co-operate amicably, that impression would be removed far more quickly than by any other method and immense good would be done to the trade of the two countries. The direct intervention of the Government in the matter was likely to do more harm than good as it aroused suspicions that the Secretary of State was not disinterested but to some extent on the side of interests outside India.

Earl Winterton expressed gratification at the improvement in the political and industrial conditions in India. He believed that the worst of the post-war reaction was over and expressed optimistic views of out-look.

#### Lord Peel at the Hotel Cecil.

The other utterance was of Lord Peel, at the London "Calcutta Dinner" on June 5th. The Calcutta Dinner was eaten at the Hotel Cecil by a number of gentlemen who were 'interested' in India. About 250 guests were present, the principal of them being the Secretary of State, Viscount Peel, and Lord Ronaldshay, Sir Ali Imam, Lord Inchcape, the Persian Minister, Mr. Ameer Ali, and Lord Delamere. Lord Peel, who was the chief guest, in his speech tried to convey to his hearers the comforting reflection that Indians and Englishmen were on better terms with each other than was the case some time ago. Towards the end of his speech he wisely said that if the energy and effort which had been directed to the spread of Non-co-operation had been directed to the opposite end, the prosperity and progress of India would have been much further advanced than it was. An air of patronage emanated from the noble Lord but he could advance no plan as to how to meet the Indian situation.

## Debate on the India Office Vote.

HOUSE OF COMMONS—14 JUNE 1923.

*On the House going into Committee of Supply on the India Office Estimate on the demand for £30,000 for the India Office, the Labour Party moved an amendment for a reduction of £100 as a vote of censure on the Govt's Indian Policy in respect of the Viceroy's certification of the Salt Tax. On behalf of the Labour Party:—*

Mr. TREVELYAN said: I beg to move to reduce the vote by £100.

I do so for the purpose of challenging the act of the Indian Government which has had the assent and support of the Home Government, namely, the certification of the Indian Finance Act this year by the Governor-General, by which act he has over-ridden the will of the Legislative Assembly of India. I want to make it clear at the outset that the question which we shall be discussing on this Amendment is not primarily the merits or the demerits of the doubling of the Salt Duty—that is no doubt important, but it is of secondary relevance—but the main issue to-day is the constitutional justice and the administrative wisdom in the use of the final and emergency power which the Governor-General has in reserve. Nobody denies or challenges the right of the Governor-General to certify Bills and to pass them over the head of the Legislative Assembly. He has that power as the Government of India Act says, for the "safety, tranquillity and interests of British India." We say that in that new order of politics, which has been established in India, which implied confidence in the Indian people and which was directed to the development of self-Government in India, the use of these exceptional and autocratic reserve powers by the Governor-General could not have been intended and were not intended for the ordinary and unavoidable collisions which there must be between an executive and a legislature and that they ought only to be used to save the Government from wreckage in some very supreme crisis. It is barely two years since the first Assembly met. When it met Sir Malcolm Hailey, who is the Home Member, inaugurated the first Budget discussion in the Indian Assembly with these words:—

'This House may, no doubt will, criticise the wisdom of the measures that have been undertaken by us in the past when the sole responsibility was ours. But for the future they will have to share that responsibility. If we incur expenditure it will be under their mandate. If we impose taxation it will be by their vote.'

That was said when the Assembly first met but in the case of the first tax where the Assembly have not followed the precise instructions of the Government their view is over-ridden. It is not by their votes therefore that taxation is imposed. I am certain of one thing that no one who speaks from the Government point of view to-day will say that the Indian Assembly during the first two and a half years of its existence had tried to make difficulties with the Government. They have shown no irrational obstinacy. They have shown no foolish controversy in relation to Executive. Very far from it,

they have shown themselves singularly compliant and ready to assist the Government in every way. I will take the facts with regard to Indian Finance discussions of the last three years. The Budget of 1922 found the Indian Government in a very serious financial position. There was a prospective deficit—I will speak in English terms—of £21,000,000 and more. Government, faced with this difficulty, proposed very large new taxation. They proposed an increase in taxation which amounted in all, I think, to £15,300,000. In order to impress the Committee with the extent to which they ask the Legislative Assembly to pass the new taxation and the extent to which the Legislative Assembly were ready to help them, I will just read out the taxes which they asked to be imposed and which were agreed upon by the Assembly under these circumstances. They proposed to raise the import duty on manufactured goods from 11 to 15 per cent; they proposed to increase the cotton excise duty from 3½ to 7½ per cent; they proposed to raise the duty upon machinery, iron and steel from 2½ to 10 per cent.; they proposed to raise the duty on foreign sugar cane from 15 to 25 per cent. they proposed to double the tax on matches; they proposed a new duty of 5 per cent. on imported yarns; they proposed an increased duty on luxury articles from 20 to 30 per cent.; they proposed increased duties on alcoholic liquors and they proposed an increase in Income Tax. The Indian Assembly, as I understand, agreed to all those things. The one thing to which they refused to agree was to double the Salt Tax. They rejected the one proposal of the Government to double the Salt Tax. On that occasion, namely, last year the Government acquiesced although that left an unbalanced Budget to the tune of £6,000,000—no doubt a quite serious thing for the Government to have to do.

Then came the Budget of this year. The situation was far less serious financially. The deficit was £2,500,000 or less. The Government knowing the dislike of the Legislative Assembly to the Salt Tax offered no alternative proposal and this proposal was rejected by the Assembly by 59 votes to 44. The Viceroy promptly certified the Bill with the Salt Duty included in it. Again the Legislative Assembly refused to pass it by 58 votes to 47, and he used his powers and passed the Act over their heads. Thus the will of Lord Reading was made to prevail against the vast majority of Indian votes in the Assembly. In fact, the majority against the Bill was much greater because of the 44 votes in the minority, 24 were official English votes and had to vote as the Government asked them to do; only 11 of the votes against the Indian point of view were independent Indians; and even out of the eight independent English who voted, two voted for the Indian point of view. The Committee, no doubt, will have read Lord Reading's justification which he has issued. He has pleaded the necessity of balancing the Budget. He has pleaded the imperative need of the Indian Government to be able to borrow easily here and elsewhere. There is no one who denies a large amount of truth in what Lord Reading claims. But even Lord Reading's apprehensions hardly make out a case for immediate and unavoidable disaster if the course which he insisted on be not taken. As I have pointed out, there was a deficit of £6,000,000 last year, and the heavens did not fall. There is a deficit of only £2,500,000 this year, and the deficit is very largely of a temporary kind.

I am going to listen with great interest to what the Under-Secretary of State for India says to-day, but there are indications

in the newspapers that he is going to talk about further economies that there are going to be in the Indian Government. It is expected in India that there are going to be further economies. There have been a great many, for more than to the tune of the £2,500,000 deficit. It is not at all true that the attitude of the Indian Assembly is resistance to taxation as taxation. It is resistance to the Salt Tax. During the debate proposals which of course could not take any concrete form to be voted on in the Legislative Assembly, were made in many directions and met with a great deal of approval among the native Indians. For instance, there was a tax on the export of petrol suggested, and a further surcharge on the Income Tax and an import duty on commercial silver were also proposed. All these things could have been considered as alternatives, and, being financial alternatives which at any rate a large number of the Indian members were ready to consider, it is not fair to say that a final emergency had arisen of a kind in which the Governor-General ought to have used his powers.

Perhaps the action of the Governor-General may have resulted in some financial gain. I ask the Committee to consider whether it is worth the political danger which his action implied. The Salt Duty has in India an evil name and an oppressive record. A succession of British rulers have denounced and reduced it even at a time when there were far fewer other taxes upon commodities used by the poor in India than there are at the present time. In the emergency of the War the Salt Tax was raised, I think I am right in saying, to the same figure to which the Government propose to raise it now, but even then it was raised by slow stages and not in one sweep as at the present time. It is no use saying that for each individual family in India the Salt Tax is a very small thing. Where wages are from 5 to 10 annas a day per family, half and quarter annas matter. One thing is quite certain. The intense social repugnance which there is in India among the mass of the population for the Salt Tax, and that ought to have been enough for the Government. What the Corn Tax was to Englishmen in the hungry 'forties' the Salt Tax is to the common people of India to-day. You may call it prejudice or what you like, but there it is. We say that the political effect of what has been done is entirely disastrous. India is passing through a critical time. No one will disagree with that statement. The great problem before us is: Will these great concessions that the British people have made towards self-government in India succeed? Will the new order be accepted? Will it lead to greater self-government and to order and tranquility?

The situation is very difficult, and for this reason: that a very large part, probably the larger part, of the Indian population is either sceptical or hostile in regard to the reforms, the new assemblies, and the new forms of Government in India. The genuineness of British intentions has been doubted by masses of Indians. It has been said that it was a mock change, and that there was going to be no real change. That is well known, I think, to be the attitude of masses of the Indian population. But there was a section, a large, important, and powerful section of the Indian population that entered into the new scheme with zeal. They had faith in the promises of the British Government. After all, that is the only part of the Indian population through whom we can work—through those who have accepted in good faith the new sort of government. The faith of those



Indians who accepted the reforms has been very sorely tried. They were very much disappointed at the previous certificate of protection against the Disaffection Act which we discussed earlier in this Session, but it now appears that certification on the part of the Government is becoming a habit. If so, if whenever the Indian Assembly refuses to accept the policy of the Government, the Government is going to override its action, well then, it is only the old autocracy with a Parliamentary cloak on: The Indian Assembly becomes a mere debating society offering advice, but with no power or prospective power.

There is one thing certain about the present situation. That is the way in which this action of the Government has been received so far as the Indian sections of the population are concerned. Whether they are those who distrusted the Government from the first or those who tried to trust us to work these assemblies, there is absolute unanimity about this question. The thing is very serious. In the Assembly which has been trying to work these proposals there are already two members who have resigned owing to the demand of their indignant constituents. There are two other members who have resigned of their own accord. There are those who, I understand—and I have no reason to doubt it—are waiting till they see the result of the vote here to-night. There are other indications—I am dealing with that part of the population that has been helping us and helping the British Government to work. I have here a Resolution passed by the Deccan Sabha, which is an association that has taken a leading position in urging constitutional development and loyal co-operation with the British Government. It says of this, and says perfectly truly:

“The Sabha always stood for the steady development of India, politically, socially, economically. It welcomed the constitutional reforms introduced by the Government of India Act, 1919, as a step in advance and is pursuing a policy of co-operation to make them a success.”

But the Resolution which the Sabha has passed now is;

“That this Conference is of opinion that the non-official members of the Legislative Assembly will, in the circumstances that have arisen, be justified in refusing such further supplies of money as they think fit.”

If that is what those who are wanting to work with us are doing, there are other sections. There is another ominous thing. There is party or parties in India which are proposing to enter the lists when the new elections come in order to try to get elected. Their purpose in getting elected is overt and open, in order to make the assemblies unworkable. The power of these sections is going to be infinitely enhanced if the Government has succeeded in discrediting the other sections who are wanting to work the reforms and to make them successful.

The truth is that there really is a danger that the whole structure may be very soon tottering. I ask the Government not to take this matter lightly. I wish sincerely that the Prime Minister, if he can do nothing else, will give some indication that when the new Assembly is elected, if holding strongly the same view as the old Assembly, the Government might reconsider the question. That, at least, will be something. I say the situation is serious, because the real thing that is at issue in the minds of great masses of Indians is whether the British Government is to be trusted. That is the real and vital issue.

In this House, when the Government of India Bill was passing, Mr. Montagu spoke as follows:

"I should like to say with the authority of the House to the peoples of India: the future, and the date upon which you realise the future goal of self-government, are with you. You are being given great responsibility and the opportunities of consultation and influence on other matters in which, for the present, we keep responsibility. You will find in Parliament every desire to help and to complete the task which this Bill attempts if you devote yourselves to use with wisdom, and self-restraint, with respect for minorities, the great opportunities with which Parliament is entrusting you."

"—[OFFICIAL REPORT 5th June 1919; col 2315, Vol. 116.]

That is an appeal to Indians. But how are they to approach the future goal of self-government if the moment they attempt any act of independence they find they are still under the tutelage of the British Government! There can be no static condition of this development towards self-government. It must be going either in one direction or the other, either advancing or receding. If Indian people decided in despair that the reforms really mean nothing for them, that they are really to have no independence at all, that every independent act of their is to be met by the veto of the Governor-General, well then what will happen? Either you will have these extreme parties coming into these assemblies and making them unworkable, or you will have them becoming mere unreal skeletons about which the Indians take no interest. In either case, you will be forced back into your old system of absolutism and autocracy. You go back to the old conditions only with this difference—that hope as to any change will have gone from those whom you are ruling.

The only way, if we are going in the other direction, if that is really still the intention of the Government—I believe it still to be the intention of the Government—is to make the people of India feel that they really can see clearly ahead, even if it is some way off, the chance of self-government for themselves. They have been told it is there. They were told in the most solemn way that people were ever told that they were to look ahead and to expect it. The Duke of Cannaught, speaking in the name of the King, said:

"For years, it may be for generations, patriotic and loyal Indians have dreamed of Swaraj for their Motherland. To-day you have the beginnings of Swaraj within my Empire, and widest scope and ample opportunities for progress to the liberty which my other Dominions enjoy."

There is the promise. But if at this particular stage on every occasion when a little independence is shown the British Government comes down and says, "No, our discretion is better than yours; our judgment is always better than yours," well then, all that hope of change, all that expectation will go from the minds of the Indian people. This House gave these assemblies to the Indian people. This House inspired the spirit which spoke in the message which I have just read from His Majesty. This House ought not to allow its policy to be stultified by the action of the Governor-General. Much harm has already been done: but I feel that if the majority of this House, or even if a very impressive minority of this House, were to record their doubt as to the wisdom of its continued process of certifying, thus nullifying the independent action of the Indian Assembly, if, I

say, that were done, it might do something to recreate those hopes which, I am afraid, are fading from those in India and rally the people of India again to the side of this great experiment which, I believe, we all want to see succeed.

### LORD WINTERTON'S STATEMENT.

Earl WINTERTON (Under-Secretary for India) said it was a tribute to the great improvement in conditions in India and the consequent relief of anxiety in the House that that was probably the only occasion this Session on which Indian affairs would be debated instead of, so recently as twelve or eighteen months ago, being discussed on every available opportunity. He was not content to rely on the undoubted fact that the Viceroy's action was fully justified by the provisions of the Government of India Act, 1919. That was obvious from the act itself. What was less obvious, but was equally true, was that a power of certification, to be kept in reserve but to be used if required, was a necessary and inherent part of the present stage of constitutional development in India. The Joint Select Committee which was set up immediately after the passing of the Government of India Act said this in its report:—"It should be understood from the beginning that this power of the Governor-General in Council is real, and that it is meant to be used if and when necessary." That was the power which the hon. gentleman opposite had most misleadingly described as "exceptional and autocratic," a very different view from that held by Mr. Spoor, a member of the Labour Party who was a member of the Joint Select Committee and one of the signatories of the report.

The dispatch from the Viceroy which had been presented to Parliament in connexion with the salt tax set forth in a very convincing manner the principal considerations by which His Excellency was actuated. The Government of India and their advisers and the Secretary of State had always regarded the recurring deficits as most serious and a state of things that must be done away with at the earliest opportunity. Such a series of deficits as had arisen since 1918-19 was without parallel in the modern history of India, and if its credit was to be conserved it was necessary to cry a halt to this tale of deficits. The Government of India viewed with alarm the growth of the country's indebtedness, due to persistent over-spending from about £400,000,000 at March, 1918, to over £500,000,000 at March, 1923, while the unproductive debt, which was included in these figures, had increased by £150,000,000 since 1914.

This position could only be cured by reducing expenditure and increasing revenue, and in both respects the Government of India had taken the wise and the only course that was open to them. The great bulk of the recommendations of the Inchcape Committee—and no tribute could be too great to the services that Lord Inchcape had rendered to India in this connexion—either had been or were being carried out, but even after this it was necessary to increase taxation. The Inchcape Report had been of the profoundest value to the Government of India in the framing of their Budgets for the current year. On the civil side, the Government of India hoped and had budgeted to effect economies amounting to seven and a half crores, against the nine and a quarter crores recommended by the Committee. In the Budgets of 1921 and 1922 additional taxation had been imposed which was expected to yield about 28 crores. But in spite of everything the Government of India could do, the

Budget for the current year exhibited a deficit of approximately four crores.

Every possible avenue of retrenchment and alternative taxation having been explored, the Government of India were obliged either to face another deficit or to enhance the salt tax. To have left the deficit would have been weakness and would have further increased India's debt. It would have been a loss to her credit, and, above all, it would have been a blow to the reforms. It was the earnest desire of the Government of India to reduce and ultimately to extinguish altogether the provincial contributions to the Central Exchequer, so that the provinces might have increased amounts at their disposal for carrying out schemes urgently required of a social and economic character. In 1921-22 the aggregate provincial deficit exceeded 8½ crores. This had been brought down to about one crore for 1922-23. It was generally realised that the realisation of the hopes on which the reforms were based depended upon the provinces obtaining command of larger resources. The first and most fundamental step to secure that was balancing of the Central Budget (cheers), and the achievement of a surplus in the Central revenue would enable the Government of India to dispense with a part at least of their provincial contributions at an early date.

If India had possessed full responsible government and the Indian Government had been faced with the alternative of a serious deficit or the enhancement of a certain tax they would have told the Assembly through their Finance Minister that they would stand or fall by their proposals to increase the tax. He believed that such a step would have succeeded with a responsible Assembly, the members of which would have hesitated to give a vote against the tax. It had been suggested that the Viceroy's action in this case indicated a determination to return to the methods of government by bloc which existed before the reforms. It indicated nothing of the kind. When the bloc was abolished, however, it was clearly understood that the Government of India, through its head, the Viceroy, would have the power of certification, not as a substitute for the bloc, but as a safeguard for use in an emergency, and to take the place of the power of resignation which a responsible Government would enjoy. He would point out that the increase in the salt tax was agreed to by the Council of State by a majority of eighteen votes, and in the Legislative Assembly the Government failed to carry their point by eleven votes; therefore taking the two Chambers together, the vote was in the aggregate favourable to the Government of India's policy.

Under these circumstances he regarded it as absolutely grotesque to describe the Viceroy's action as it had been described in certain quarters outside that House, as an abuse of authority.

He thought that the Viceroy was fortunate in having as Finance member of his Council Sir Basil Blackett, formerly of the treasury, an officer of exceptional experience and qualifications for the purpose.

In the last three years there had been a substantial reduction in the Indian floating debt. There had been a steady improvement in the tone of Indian securities on the British market. It was of the greatest importance that India's credit in this market should stand high because she was likely to be a substantial borrower for purposes of railway development.

So satisfactory had recent opportunities been for raising capital in the British market that the Government of India had made great inroads into the borrowing powers granted last year, and at a later

stage he would ask the House for further borrowing powers similar to those asked for a year ago.

#### SMALL EFFECT OF SALT TAX.

With regard to the effect of the increase of the salt tax, it had been admitted that this was not the first time that the tax had stood at its present level, but it was important to consider the economic burden of the tax with reference to wages, which had risen largely in recent years, and to the value of money, which had fallen, as in this country. A family of five now saved Rs. 10 per month on food as compared with prices obtaining two years ago, and Rs. 5 as compared with last year. Extra expenditure on salt for a family of that size was at most Rs. 1 a year. He could quote reports from all over India showing how infinitesimal was the effect of this increase on the people. Before increasing the tax, the Government of India took the opportunity, having themselves examined all possible alternative forms of taxation of consulting members of the various parties and groups in the Assembly, and they too, came to the conclusion that the only sound form of taxation was the salt tax.

The deficit would disappear when the whole of the economies recommended by Lord Inchcape's Committee were brought into effect. Those economies and the enhancement of the salt tax must be considered together. The Budget could not be balanced without the two. The ultimate net saving which would be realized by the adopting in full of the economy proposals would be 200 lakhs of rupees, which, at present rates of exchange, represented about £2,000,000. The principal item was the reduction by 130 men of every battalion of British infantry. This it was estimated would account for nearly 50 per cent. of the total saving aimed at by the proposals, and he was glad to say that this reduction had been accepted by his Majesty's Government. He could not say how much of the saving would be effective in the present year, but he hoped it would be considerable proportion. The essential thing about the recommendations of the Inchcape Committee was that it had received the fullest support from the Commander-in-Chief, Lord Rawlinson, who said he was confident that the risk was one which he was prepared to advise the Government of India to take.

#### WAZIRISTAN RAIDS.

With regard to Waziristan, the policy which was recently approved had been in every way successful. Rasmak had been occupied with the consent of the Waziris, and the road construction programme was going on satisfactorily. In no period during the last twenty years had they been in such a position to ensure peace as they were now. The frontier was a difficult country as he knew from personal experience, and it was past the wit of man to ensure perfectly satisfactory conditions. The present position, however, was as satisfactory as it could be in the circumstances.

Speaking about the recent deplorable outrages—the Lundi Kotal murder and the murder of Mrs. Ellis at Kohat and the abduction of her daughter—he said that some critics suggested that they indicated a deplorable degree of insecurity on the frontier, but he did not believe there was any ground for the suggestion that things were worse now than at any other time. He thought the contrary was the case. As to the delicate question of the alleged criminals—the men alleged to be responsible for these two sets of murders—he reminded the committee that when the British Government recognized the indepen-

dence of Afghanistan and concluded a treaty with its Sovereign, it did so in the belief that in entering the comity of nations the Ameer and his Government intended to recognize to the full the obligations of good neighbourship which they thereby necessarily undertook. In this belief they had not been disappointed. The Ameer had shown that he realized the feelings of His Majesty's Government regarding outrages of this kind, but he and his Government had their difficulties to deal with. They had arrested the Lundi Kotal murderers, who were Afghan subjects, and undertaken to bring them to trial. There was hope that the Kohat murderers, who were not Afghan subjects, would shortly be captured also.

With one or two exceptions the internal situation had undergone marked improvement during the last twelve months. The most important factor in the improvement had been the collapse of the non-co-operation movement and the realization of large masses of the population that they had been duped by the leaders of that movement who had promised something they could not give. Since the arrest of Mr. Gandhi there had been a most marked improvement in the conditions in India. The situation in the Punjab, though less discouraging than might be gathered from some of the reports in the Press was still far from satisfactory. The number of arrests should not be taken as necessarily an indication of the seriousness of the situation. A number of Sikhs had got themselves arrested to be able to boast of the matter afterwards. The same phenomenon was seen in this country at the time of the woman suffrage agitation. Several murders had been committed by a frankly criminal organization, the remnants of which had been driven to take refuge in some hills in the Punjab, where he hoped they would be rounded up and dispersed. Gandhi's movement of *rapprochement* between Hindus and Mahomedans now scarcely existed. The Punjab contributed largely to the fighting forces in the war, and a lot of the demobilized men could not get employment. A few of these had been causes of disturbances.

He was not wholly opposed to the entry of those who had hitherto been non-co-operators into the Council. It had been suggested that if they got into the Council they would break the whole thing up. He was of opinion that when the extremists got into the Legislative Assembly they might become less extreme. It was possible that some of them might become less indisposed to assist the Government in any way.

In the last few days His Majesty had approved the appointment of a Royal Commission to make recommendations regarding the al-India services. The real ground on which the Government had come to the conclusion that a Commission was required was that, while far reaching changes had been made in the method of government in India, there had been very little material change in the structure of that government. The real root of the service problem in India was uncertainty as to the future. The Government wanted to secure a firm basis under the changed conditions for the recruitment of the best men they could get, with a fair prospect of a useful and contented future for them. For that purpose there was wanted some adjustment and quite possibly some structural alteration of the system. Mere attempts to tinker with the question by adding percentages to pay would be useless and would merely "queer the pitch." There was no reason why this inquiry should involve greater delay than would be entailed by any other means of dealing with the problem. All possible steps to secure expedition would be taken.

He did not think it was true to say that because constitutional changes had brought discontent to men who had served under the old conditions, the new conditions would be equally unpalatable to those who were starting or contemplating an Indian career. Speaking generally, the younger men were more hopeful about the future, and more contented with the present, than were the older men. Last year, about one hundred officers of all the services applied to retire. The figure to-day was about 270, of whom only about fifty-one had actually retired, 138 were on leave pending retirement, and the remaining eighty were still in India or on their way home. The Government had just had some six hundred applications for eleven vacancies in the police. The quality of the candidates was of a remarkably high standard. Of the 270 who had been given permission to retire, several had actually applied for, and had been given permission to return to duty. He did not suggest that the situation was not most difficult, but he appealed to those who differed from him to do nothing, by word or action, to discourage the services of these men at such a time.

Some members of the public, both here and in India, were prone to connect the change of government in India too exclusively with the name of the late Secretary of State—Mr. Montagu. That was fair neither to Mr. Montagu nor to the reform system. Objections were taken to the scheme both from the right and left, those on the right saying that, after Mr. Montagu's retirement, they supposed the "absurd" would be abandoned, while those on the left said that the pledge to India would not be fulfilled. That was absurd nonsense and a complete misunderstanding of the position. The reformed Constitution, associated with the names of Lord Chelmsford and Mr. Montagu, was granted to India by the King-Emperor on the advice of his Government, and the Act granting that reform passed its second reading without a division in that House. (Hear, hear.) The process of associating Indians with the government of their own country had been going on for years. What was there incompatible with Conservative principles in constitutional development? (Hear, hear.) As a member of the League of Nations India had adopted the highest ideals and had ratified more of the Labour Conventions than any of the other countries. Acts for the regulating of hours and conditions in mines and factories and providing workmen's compensation had been passed, and a Bill for the protection and registration of trade unions was under consideration. India possessed the means of vast industrial development—raw materials and extensive markets. Its full benefits could not be obtained until the efficiency of native labour was greatly improved, and that could only be brought about slowly by means of better education, housing, and conditions of work. That improvement never ceased. Last year there was an adverse trade balance of 22 crores; this year there was a balance in favour of 81 crores. No country had a better chance of development within the Empire than India. Though not all Indians realized the fact—nor all in this country either—there were millions of people outside India in Asia who would give their all to exchange the blood-stained tyranny of their own countries for the peace and justice found under the Union Jack. (Cheers).

Col. WEDGWOOD said:—The Under-Secretary knows a good deal about the state of affairs at the India Office, but I think he has shown a certain amount of ignorance of the conditions in India.

The question is not really whether the Salt Tax should have been certified, but whether we are going to find a really sufficient body of opinion in India which will co-operate with the British Government in working out the gradual development of self-governing institutions in India, or whether we are to find our last supporter banished from that co-operation which they have carried on so well for the last three years. The other day a great Indian went to interview the manager of one of our great London newspapers in order to obtain his support for the Indian view on the Kenya question which is the touch-stone of what our relations with India are going to be in the future, and that great publicist said:—

"In a generation India will be independent of the Empire and I will stand by my people."

That remark betrays a state of mind which to me seems utterly deplorable because it is not merely a question whether India is to remain within the British Empire or not, or whether we are going to remain on terms of friendship or not, but what does matter are the terms on which we separate.

This is not a matter of sentiment but a matter of hard business. If the feelings between Great Britain and India are to be exasperated by different conflicts we shall part on terms of enmity, just as we did in the case of the Irish Free State. That will not merely mean a disaster to our amicable relations with the people of India but it will also be disastrous to British finance as well. I think we must have at least £500,000,000 invested in India, in fact it is probably double that amount, and the safety of that capital and its security financially depends upon separation if it must come about taking place on amicable terms between two friendly people who can still co-operate together in business even if they cannot co-operate in administering the affairs of that great Empire.

It is for that reason we on these benches are particularly anxious that during these critical years while India is cutting her wisdom-teeth, self-government should come about without causing friction between the Indian people and ourselves. It seems to me that there has been a change in this respect on the part of the India Office and the Government towards the Indian people in the last year, and this must seem far more strongly so to the people of India who will be more suspicious than I am. I believe the Secretary of State for India and the Under-Secretary are anxious to carry out the policy formulated by Mr. Montagu, and his ultimate view of what will happen to India is self-government as a Dominion under the British Crown. There is bound to be a great deal of suspicion in India on this point, more particularly when the non-co-operation movement assists in cultivating that suspicion of the British Government. That being so, we ought to look particularly closely at any evidence which may be twisted into showing that the present Government is less friendly towards India and less inclined to work India out into a self-governing Dominion, than the preceding Government. This Salt Taxation certification is just one of those points which ought to have been avoided, simply for that reason. We had exactly the same refusal by the Assembly to double the Salt Tax last year, when the Budget deficit was £6,000,000 instead of being merely £2,500,000. Last year, that is to say in March, 1922, there was no question of certifying that Tax. There was no question of forcing the Tax, against the will of the Assembly, upon the Indian people. That was all right, but the Indians, looking back now, and seeing that the Government here, in coping with a smaller



deficit by over 50 per cent. than that of last year, have acted on completely different lines, are naturally inclined to put it down to the advent to power of a Conservative administration.

I do not suppose, for one moment, that there is the slightest shadow of justification for the suggestion that there was pressure brought by the Government on this side on the Indian Government to secure certification. I am sure there is absolutely nothing in that rumour, but that illustrates the suspicion which is bound to attach to any action of this sort on the part of the Indian Government under a new regime. That is why I think the Viceroy would have been well advised to have let the Legislative Assembly have its way about this small doubling of the Salt Tax, rather than give any ground for the supposition that there had been the slightest change in policy. Just observe what a strong position the Indians have for thinking that the Viceroy has taken a turn for the worse. It is not merely that he has acted differently this time from last year, in circumstances which were not so serious, but that he has taken advantage of this Section in the Government of India Act, which only gave him a doubtful authority to act as he has done. The Committee will remember that the Section in the Government of India Act runs as follows:—

“Provided that, where in the opinion of the Governor-General a state of emergency exists which justifies such action.”

You cannot say that the Budget deficit, which was not so great as the year before—it was only £2,500,000, and we are accustomed to deficits much bigger than that—constitutes the state of emergency which was contemplated by this House and by the Joint Committee when they inserted that proviso in the Act of Parliament. I should like to point out that when the Joint Committee made that recommendation they definitely put into the recommendation the following note—

Earl WINTERTON: I am loath to interrupt the hon. and gallant Gentleman, but this is really rather important. He has not quoted the beginning portion of the Section. Might I ask him to quote the opening part of it? It is Section 26 (1).

Colonel WEDGWOOD: I will read it.

“Where either chamber of the Indian Legislature refuses leave to introduce, or fails to pass in a form recommended by the Governor-General any Bill, the Governor-General may certify that the passage of the Bill is essential for the safety, tranquility.”—

Earl WINTERTON: Hear, Hear!

Colonel WEDGWOOD: Yes, but this proviso applies to that. I am very sorry that the noble Lord changes his ground repeatedly. I asked him a question the other day as to whether this was certified on the ground that it was a case of emergency, and he said yes. Obviously, the proviso in question applies to Sub-section (1) of this Section, which is a part of it. I did not know that there was any doubt at all as to this having been certified, because it was held to be a case of emergency.

Earl WINTERTON: It was certified as essential legislation under the first part of the clause, but was only brought into immediate operation by the use of the emergency Sub-section, which is quite distinct.

Colonel WEDGWOOD: Now the Noble Lord is coming round, and he admits it was an emergency, and that it was certified under this proviso. May I point out that the Standing Committee itself

contemplated such action as the Governor-General carried out, and recommended as follows:

"But the Committee suggest that the Standing Committee of Parliament, whose appointment they have advised, should be specially consulted about Acts of this character."

The Standing Joint Committee has been set up, but it was never consulted in the least about this Act. The whole character of the action of the Viceroy in this matter smacks of autocracy, and leaves people naturally to suppose that there has been a change in the Government's attitude. When we find that the Act is used in a way which is hardly consonant with what we imagine the English language to mean, and that the recommendation to consult the Joint Committee is disregarded, I think we have a right to suggest that the Viceroy is acting in this matter in a way which is hardly in accordance with the conduct of affairs in India under the late Government.

I come to the main defence of the certification by the Noble Lord. He pointed out that this was an emergency, because the Budget did not balance by £2,500,000, and that hence the great credit of the Indian Empire was at stake. Nothing more far-fetched could be imagined. The credit of the great Indian Empire does not depend upon whether there is a deficit of £2,500,000, or a surplus of £1,500,000. It depends on things far more vital and important than that. Even the noble Lord, however, out of the very figures he gave, proved the absence of any real necessity whatever for the imposition of this tax because he showed that, out of the Inchcape Committee's recommendations of a reduction of nine crores, the Government had already consented to a reduction of seven crores on the civil side alone. Those reductions cannot all come into force this year. Consequently, there will be a reduction in the expenditure of the country next year, and the Budget will be able to balance without this unnecessary tax. The matter was righting itself; the situation was getting better.

The Noble Lord, I think got into some strange middle over the Inchcape Committee's recommendations so far as military expenditure is concerned. He told us that the Inchcape Committee's recommendations amounted to £2,000,000 a year and that of that £2,000,000 the Government had accepted already about one half and that that amount which the Government had accepted amounted to 50 per cent. of all the reductions recommended by the Inchcape Committee. Surely, the Noble Lord must have meant 50 per cent. of all the reductions on military expenditure recommended by the Inchcape Committee. Even there I do not think he has read the Inchcape Committee's Report thoroughly, because they certainly recommend that the expenditure on military matters, which now runs to over 60 crores, is ultimately to be reduced to about 50 crores of rupees. So you have a prospective reduction if the Government carry out the Inchcape Committee's Report, and you give the Indians the prospect of a future reduction of expenditure which will far more than wipe out the extra money raised by this Salt Tax. Therefore, the financial situation seems to me to be improving in India under any circumstances, and it is singularly unnecessary to bring forward this additional tax now. Perhaps when the Noble Lord comes to reply on the general Debate later on, he may explain more clearly exactly how much the Inchcape Committee recommended in military costs, how much they hoped to be able to recommend, and how much has been already carried out by the reduction in the numbers of troops in the Punjab.

When dealing with this, the Noble Lord made great play with the change of view of Sir Montagu Webb. I have never met Sir Montagu Webb, but after hearing the speech he made on last year's Indian Budget, I feel certain that he must be a great acquisition to the Legislative Assembly, and I can only regret that he does not sit on the Front Bench here, in order to teach sound finance to the present Government. His views, I feel certain, would do credit to this assembly, but I do not see that it is even necessary to point out any inconsistency between his action in 1922 and his action to-day: The position in India, financially, is infinitely better to-day than it was a year ago. The deficit is less than half of what it was with prospects of further reduction in expenditure, and if I had been in Sir Montagu Webb's place I hope I should have expressed the same views, and I can only wish that I should have been able to express them as well. It is an enormous advantage when we find, in constitutional struggles such as this in India, that we have Englishmen such as Sir Montagu Webb and Sassoon siding with the Indians, and showing that question at issue is not a racial one but a very important constitutional one.

The point I finally want to make is this. The Noble Lord throughout his speech, was dealing with India rather as though it was a child's toy shop. He wandered about and picked up beautiful toys here and there, and showed them off to the Committee. The question at issue in India is more serious than the development of irrigation, or even than working-class dwellings in Bombay. It is whether these reforms, upon which we have pinned our faith, and which indeed offer the only hope of an amicable settlement of the Indian self-government problem, will work or not. Up till now, in the opinion of people in this country, they have worked very well. Up till now there has been no trouble, but really the problem is not so simple as that, because up to now the keen politicians in India, the people who do not like being ruled by the British race, have not taken any part in the Councils whatever. The Moderates on the Councils are excellent men, who have co-operated with the Government in the firm faith that the Government was ultimately leading them to self-government. I think it is rather poor fun for these Moderates to have it thrown in their teeth that their action over this Salt Tax, and the protests they have made since, were due to public pressure, or because they wanted to cultivate popularity in view of the approaching election. I do not think there have been any men in India who have shown more moral courage than have these men who have gone in these councils in the face of popular dis-approval and boycott. They have shown their moral courage and proved their worth, and I do not think we need suppose that on this one issue of the Salt Tax they have been swayed by anything except their principles, or by any desire to acquire temporary popularity.

We are coming to a change in the wave. The split in the non-co-operation movement has occurred. The brains of the non-co-operation movement, as apart from the heart, which is centred in Gandhi, are now going into Parliament. They are going to take their seats in the Assembly, and they will carry the cities. I do not know how far they will carry them in Madras, because there you have the problem of Brahmin against non-Brahmin. In the United Provinces, however, in Bengal, and probably in the Punjab, the Das party will sweep the board. They will go on the Legislative Council, and into

the Assembly. They are the men who are out for Swaraj as quickly as possible. In coming on the Council they are by no means coming on to co-operate with the Government. They say they will be like the Parnellites. I hope they will come on as the Labour party comes on, determined to oppose, but at the same time to co-operate where that co-operation involves no infringement of their determined struggle for liberty. They are coming on the Councils. They will be acting quite rightly in using their votes on the Council, if they get a majority, in withholding supplies till their grievances are redressed. One of their grievances, and a special one, is the Salt Tax.

They are coming on the Councils. Will they work? This is a testing time for this Government. I think, if they are going to continue to try to ride two horses at once, to try to satisfy the hon. and learned Member for the Scottish Universities (Sir H. Craik) and, at the same time, to satisfy Indian opinion, they will be really leading as quickly as possible to self-government. They will have a task before them which is impossible. I beg the Noble Lord, and through him the India Office as a whole, to see whether—I know it is too late now to reverse this decision of the Viceroy on the Salt Tax—there is not still time to save the situation by making it clear that the carrying out of the Government of India Act in future will be on the most liberal lines, such as have been adopted up till this year in the administration of that Act, particularly in view of the fact that we have to deal with people who are emotional as well as hard-headed. I believe that something might be done to render real co-operation in future possible, if the Government would take one or two minor steps to make that co-operation easier. For instance, there is Lajpat Rai dying of tuberculosis in an Indian goal. He is a man universally respected in India; he has really committed no crime whatever, and he has been in goal now for nearly two years. What is there to prevent that man being released in the Punjab, just as, all the political prisoners have been released in the United Provinces? Indeed, I think, in all the other provinces, except the Punjab, prisoners similar to Lajpat Rai have been released.

There is Mahatma Gandhi, probably the most saintly person since Jesus Christ, who is revered and worshipped by the people of India; he is in goal, too. His cause has ceased to be a cause of any danger to English rule in India. His followers are split. He would disapprove of going on to the Council; but C. R. Das, Pandit Motilal Nehru, Pandit Malaviya, and the rest of them, are going on to the Council, whether he approves or not. So far as danger to British rule in India is concerned, he is no danger whatever. Indeed, he is a force making for peace and for amity between the races, rather than hostility. Cannot the Government do something in this direction which would act as an offset against this certification of the Salt Duty? There are other ways in which they can help in the same manner. They have only got to make it clear that the Government of India Act may be amended in certain ways before the 10 years' period elapses. In that way, the Government can do something to save the situation.

In any case, we on these benches, by the efforts we are making to-day to reverse the decision taken by the Viceroy in India, are actuated solely by the desire for the really amicable co-operation of Englishmen and Indians in the future; not only in the Government

of India, but also that their personal relations shall be friendly. As they get educated—when they are uneducated, they have not any hostility—you find more and more hostility, often springing from some personal views on what they consider injustice or insolence. You have in India to-day exactly the same cleavage between two races as existed in Venetia, when Venice was under the Austrians, the growing hatred of two peoples, who have no earthly reason to hate one another. This increased whenever acts of this sort take place. It can be decreased if the Government will take steps in the other direction. This miserable feeling is being allowed to grow up and develop, and to end in open rupture, such as we have seen in Ireland. Ought not we in this House of Commons—not merely we in the Labour party but all hon. Members who really want the British Empire to be a nation of free peoples—to join together in trying to impress on the Government, and through them the Indian people, that we want not autocracy, but free institutions, and that we resent, as much as Indians do, any action contrary to that development of the Indian Commonwealth?

This act of the Viceroy is not final, but unfortunately it has been in the wrong direction, and has come at a time when the Nationalists are just going on to the Indian Legislature. The time has been unfortunate, and the position in this House is even more difficult. Here, we know that by taking a Division to-day we, on this side, will be in the minority. We may get a few votes from hon. Members opposite, who know the true situation in India, but we shall certainly be in the minority. The taking of that Division will show to the people in India that they have not got, in their constitutional struggle—what they believe to be their righteous constitutional struggle—the support of the democracy of Great Britain. Unfortunately, it will be worse if the Division be not taken. If they find that their cause can be pleaded, but that no decision is come to by the British House of Commons, the position will be infinitely worse than even if we took a Division, and were beaten. Therefore, I would beg the Committee to let us have the Division on the Salt Tax now, and, as soon as that Division is out of the way, let us, after a number of private Bills are disposed of, get back to the general Debate on the Indian question, and have from the Noble Lord a reply dealing with all these outstanding points which have nothing whatever to do with the Salt Tax. That seems to me the best way out of the present situation. May I make a final appeal to some hon. Members opposite who know how serious it would be to start an Irish situation in India? I appeal to them to give us their support, knowing, as I do, that every vote we get will make a very wide difference in the attitude which India will take up.

*The debate was at this stage interrupted for the consideration of another Bill. Mr. Charles Roberts protested and requested the Premier to give further time.... Accordingly July 5th was given.*

## HOUSE OF COMMONS—5, JULY, 1923.

## LABOUR REDUCTION DEFEATED.

When the debate on the India Office vote was resumed in the House of Commons 15th July Mr. Charles ROBERTS, who opened the debate, said that he did not think the certification of the Salt Tax was absolutely essential in the interests of India. A little more promptitude in carrying out economies last year might have avoided it. He questioned whether there was no alternative and said that on grounds of political expediency, it would be worth while avoiding the use of this emergency power in the present case. The statute did not contemplate its use in such case and he thought it was a weak case for bringing out this steam-hammer to crack a not very formidable nut. He suggested that it was unnecessary that Labour Members should challenge the division on vote against the certification which would be a vote of censure on the Viceroy and proposed that the matter should be left to the hands of the Legislative Assembly, which had power to deal with it.

Mr. SAKLATVALA declared that 41 British-controlled jute mills in Bengal had earned dividends amounting to £23,000,000 and reserve £19,000,000 in the last four years. The wages they paid were only five shillings a week to spinners and ten shillings to weavers, which was a remarkable contrast to the conditions obtaining in Dundee.

Sir PERCY NEWSON said that Lord Reading's action in increasing the salt tax was the only action possible in view of his trust and necessity of balancing the Budget. Effect of the increase was trivial and only the alternative tax which seemed to him possible was the export tax on raw jute. It was his opinion that with increased expenditure in the future it would not be surprising if the Government of India were forced to take action in that direction.

He accepted Lord Rawlinson's assurance that British troops were not being reduced below the safety level, but urged the Government to keep a very careful eye because in view of India's distance and poor railway communication very great risks might be incurred by a reduction of as large a number as 112 men per battalion.

Continuing, Sir Percy Newson dwelt on the hardships of European services, especially of uncovenanted officers, owing to the rise in cost of living and urged that something should be done for them. He congratulated the Government of India on their railway programme, but urged an improvement of the existing lines, which was as important as the laying down of new lines. He suggested that the Government should do something in connection with the bank rate of 8 per cent. which did not conduce to business activity. He declared that the jute worker of Calcutta was the best paid worker in India and disputed Mr. Saklatvala's figures. He said that far better wages were paid in the mills with which he was associated. On the other hand the workers' house rent was only eight annas per month and it was impossible to compare the conditions in India with those in England. Also the bulk of shareholders were Indians.

Sir EDWARD GRIGG emphasised the necessity of improving the conditions of the British Services in India, because he believed that they were essential to the success of the Reforms. He regretted the

Government's decision to do nothing in that connection until the Services Commission had reported. He urged the commission not to take evidence in public in India as to avoid raising prejudices by the discussions of the merits of British and Indian services. Also the commission should report soon and as the previous commissions had covered nearly all the ground, this commission should be able to report in the spring.

Lt. Col. HOWARD BURY declared that the agitation against the certification was very largely fictitious and deprecated any attempt to hurry the very interesting experiment of Indianising regiments. He expressed the opinion that it would be two or three years before anything could be done as a result of the Services Commission's investigations and urged that something should be done in the meanwhile for the ill-paid police. He also suggested that it might be arranged with the P. and O. Company to grant Indian Civil Service officers reduced steamer fares.

Mr. HOPE SIMPSON expressed the opinion that the Viceroy's action was politically wrong and economically right. With regard to the retrenchment of the army, he declared that the whole idea of the army in India was wrong. He asked why was the British Army there at all? The Indian Army was good enough to defend India. The Indian Army was said to be a reserve for the British Army. If so, India should not pay for it. He suggested an inquiry as to how small a British force could be considered sufficient to maintain peace in India. He also suggested equality in the pay of European and Indian Civil Servants, with European allowances and the Indianisation of the Government of India as early as possible.

Sir CHARLES YATE declared that the agitation against the salt tax was fictitious and criticised the system adopted for Indianising eight battalions, showing how little the authorities in Simla knew the idiosyncrasies of the sepoys.

Sir ROBERT HAMILTON said that if the Viceroy was free to certify acts whenever he considered it to be in the interests of India, then India would inevitably become the pawn to party politics. Any Government would be bound to support the action of the Viceroy which would become a question of confidence; and if the vote was adverse the Viceroy would have to resign and the Government would fall. The effect would be to make India imagine that all talk of Reforms was sham. He therefore asked for an assurance from the Government that the use of the power of certification would be limited in the future.

Mr. GEORGE LANSBURY declared that the action of the Viceroy knocked the bottom out of the constitutional movement in India. Goodwill could only be restored by an assurance that this power would never be used again.

Mr. RAMSAY MACDONALD, the leader of the opposition, summed up the debate and said that his visit to India had convinced him that if they were going to get the best men to go to India and if the second rate men would not do, they must do everything possible to make them feel more contented. There must be a very substantial improvement in order to remove their discontent. He declared that the increase in the salt tax was financially unnecessary and politically bad. He asked whether, if the Assembly next year again voted against the doubling of the salt tax Lord Reading would again certify it.

Earl WINTERTON replying emphasised that the salt tax brought no hardship on the poor and there was no alternative. If ever there was reason for using the power of certification, it was here. He challenged the suggestion that whenever the Government of India was defeated it used reserved powers. He pointed out that it constantly met with defeat and was defeated in the Assembly last year on the salt tax and the Budget, and gave way. But there had been no question of using this power on ordinary occasions. But this was an exceptional occasion, because it was essential to the financial stability of India that there should be a balanced Budget, which could only be secured by certifying the tax. He pointed out that there had not been an agitation, which was prophesied would arise against the tax. He believed that the Viceroy's action, when it was regarded in the proper perspective a few weeks or months hence, would be recognised as not only justified, but a wise act, that helped the cause of the Reforms, because it gave a balanced Budget for the first time for years and thereby enormously enhanced India's prestige and credit.

Replying to questions by Mr. Ramsay Macdonald and Mr. Charles Roberts, Earl Winterton expressed the view that Lord Reading's statement that the tax would be subject to review next year, did not imply that it would be taken off. Continuing, he referred to Kenya and said that he thought that a statement might not be possible before the Colonial Office estimates had been taken up, because Lord Peel would naturally wish to communicate with the Government of India before the Imperial Government reached a final decision on the subject.

Referring to industrial legislation in India Earl Winterton said that he had not the least hesitation in saying that no country in Asia was as far advanced as India.

The Royal Commission would take account of the uncovenanted as well as the covenanted Civil Service and Earl Winterton pointed out that uncovenanted officers had been given a datum line in 1913 as given to the majority of the Civil Service in Great Britain. Lord Peel had decided that no alteration could be made. He thought that these people were not suffering from any grievance in their present financial position in India.

Proceeding Earl Winterton emphasised that the only test admitted in the matter of the Indianisation of the Indian Army was the test of the ability of Indian officers to have equal opportunities in career, wherever they showed the same high standard of ability as British officers.

Analysing the working of the new constitution, he stated that the Imperial Government was endeavouring to keep a middle path resisting the pressure to push them to one side or the other. Now the system might seem to be dangerous to some on one side, and inadequate to some on the other. Those who would, from whatever view point, upset the system in initial stages, were taking a very heavy responsibility.

*When put to vote the Labour Motion was defeated and the India Office estimates adopted by 213 votes to 74, the minority being composed of Labour Members.*



## The Queen's Hall Demonstration.

LONDON—26 JUNE 1923.

An important demonstration on behalf of India was, organised by the Labour Party and Indian residents in England at the Queen's Hall, London, on June 26th 1923 to discuss the question: "Britain and India—apart or together?", and *inter alia*, the Indian Situation specially created by the high-handed certification of the Salt Tax. Mr. Ramsay MacDonald, the Leader of His Majesty's Opposition in the House of Commons, presided. This was the first opportunity of the Labour Leader's stating his policy with regard to India. The object of the meeting was "to support the constitutional movement in India towards Dominion status." Other speakers were Mr. S. Sastri, Mr. Trevelyan M.P., who moved the Labour vote of censure, and Mr. C. Jinarajadas of Madras.

Mr. J. RAMSAY MACDONALD, who was warmly received, said: "It gives me great pleasure to be here to-night occupying this Chair not only because the speakers are distinguished and peculiarly qualified to explain to you the position of Indian politics to-day, but also because the subjects upon which they are to speak are of the utmost importance not only to India but to the whole of us. The movement responsible for this meeting is the Indian Constitutional Movement and it aims at what I think most of us who have liberal minds must accept as the essential condition of Imperial unity, namely, the recognition of a Dominion status for the great national elements of the Empire itself. (Applause.) We are also to discuss Kenya and the Salt Tax, these three subjects being the matters with which the Indian mind is now mainly concerned.

On the first, what Britisher can have any doubts? When we went to India first of all and became responsible for its administration, our representatives made it perfectly clear that we were not there as dictators nor as masters. (Hear, hear.) We did not conquer India by the sword. (Didn't we?) We never intended that it should be kept by the sword. We declared "We shall educate India. We will protect it in ways of peace. We will take it by the hand. We will instruct it so that when the time comes—and we did not use that expression as a method of indefinite procrastination, but as a very definite expression—when the time comes then we will say to the Indians "Your country is yours; your Government is yours; your responsibility is yours. And we shall seek our justification not in your continued subjection to us but in your own capacity for self-rule and self-government." (Applause.) In more recent times, during the war, we recruited armies and we enlisted moral fervour by unfurling the banner of nationality. We made our promises. We said "Come and help us in our hour of need and your reward is to be the self-respect that comes from self-government. I believe that some of our people have rather gone back upon that (Hear, hear.) I believe some of them are not quite sure now but think we went too far. I believe that in the hearts of a good many of them there is a feeling that the promise was a bad promise. Very well. If it was bad, they can go back upon it, but do remember

this, that if we do go back upon our promise we can only do it at the expense of our own honour and of our own good name. (Hear, hear.)

As regards Kenya, that is a more complicated problem. The Indian had pledges regarding that too. And he valued those pledges, because he claims steadily and persistently that being a British citizen in name, he should enjoy all the rights and equalities of British citizenship (Hear, hear). Therefore, as the British immigrant becomes possessed of land, becomes possessed of political authority over the natives, he finds in possession of this land. The Indian regards that peculiar right or privilege, whichever name you give it, as being a peculiar attribute of British citizenship and in this particular colony, where he has been for generations, he declines to regard himself as a subordinate creature and asks the same privileges as those given to other British citizens in that Colony. (Some interruption.) In this region there are now three races: there is the White occupation; there is the Indian occupation; and there is the African occupation. Whatever view may be taken of that, I think you will all agree that that creates a very complicated problem in Imperial statesmanship ("Figures"). Figures do not solve moral right. (Applause.) There are these three classes of population in Kenya, and so long as there is no agreement between these three, the problem remains an exceedingly complicated one. It is perfectly obvious, and the history of the Colony shows us conclusively that to hand over without any check, without any controlling authority, the destinies of the natives of Kenya to a small handful of immigrants is a profound mistake, and would result in grave injustice. (Applause.) It is also equally obvious, and here numerical things come in to some extent ("You denied that figures counted just now"). Figures in relation to moral right are rather an elusive subject. Figures in relation to political authority have something more to do with the problem, and when the White immigrants ask that irrespective of numbers they should be put into supreme authority over the Indian settlers and the African natives, then that is a proposition which no intelligent Britisher will ever subscribe to. (Hear, hear.) I am not at all sure but that the only possible solution is the continuance of a form of Crown Colony Government until the situation is a little bit more straightened out, and under which evenhanded fairplay and justice and protection will be given to all.

The third point we are to discuss is the salt-tax. The salt-tax is a very old problem and a very irritating one in Indian Government. It has a past, and its past is one of continued controversy. It is not so much financial as it is political. It is exactly the same sort of thing as we fight here that the costs of Government should be borne by those who are most able to bear them, and ought not to be put in unjust proportions upon the backs of people whose income was only just enough to keep them in a decent standard of living (Applause.) Its political origin at the present moment is to be found in the Rowlett Act far more than in any financial trouble in which India finds itself. That stupid piece of political blundering has been the cause of all the troubles. So far as every true Britisher is concerned he will subscribe to the doctrine that the risks of freedom give a greater security to the nation than police power. I am not at all satisfied myself that the extra Salt-Tax has been a financial necessity. The only reason why it could have been imposed in justice was that the expansion of Indian income had stopped, that Indian trade, Indian profits, Indian property had ceased to yield the required income for the government of the country,

and of that I, for one, am not at all convinced. I believe that the Budget Deficit would steadily have disappeared under economical and wise government, and under savings in Imperial expenditure in India that India itself never required and does not want (Applause).

Be that as it may. As I said I consider it a great privilege to be in the Chair to-night, to listen to the speakers explaining their views on these three very important subjects. Our Empire is not maintained by pride: it is maintained by knowledge and by wisdom. And the British citizen requires to show more of that than the citizen of any other country in the world on account of the variety of his Imperial responsibilities and the weight of his Imperial duties.

The Rt. Hon. V. S. SRINIVASA SASTRI, P. C., said: The question, shall Britain and India walk together?—is rather a sharp one. Speaking for the Indians, I can say that nine-tenths of us would refuse to think of Britain and India severing their alliance. For myself I know of no greater calamity than if my country should make up her mind that she has no self-respecting place within this great and beneficent organisation of our Commonwealth.

There are two ideals of this great Commonwealth. One of complete equality and brotherhood amongst the various component parts, with mutual trust and respect, that each contributes to the Commonwealth according to its capacity and tradition for humanity as a whole. The other ideal is that the general privileges and profits are largely to belong to the white population and that these great advantages should be shared with other populations to a very limited extent. If you wish to maintain this Commonwealth at its level of efficiency and advantage to the world at large you must drop this second ideal, and adopt without reservation or qualification the first (Applause). South Africa was given Dominion status some years ago with great prestige to the Empire. But in the constitution of parts of the Union of South Africa an article of the fundamental law lays it down in so many words that there shall be no equality between white and coloured in church or state. The existence of an article of that kind in certain self-governing parts of the Commonwealth you will at once see is a force that will make for disunion and disruption rather than for consolidation (Applause). We are therefore, all alike interested in finding its root, rigidly localising the trouble, and applying all possible remedies. I rather fear that this position has recently shown a tendency to spread, and that tendency fills me, as it must fill every friend of the Commonwealth with alarm. I am grieved to think that, while this attitude is an attribute generally of the Boer population, it sometimes has a tendency to affect even the larger manhood and higher principles of the British people when they go to dwell in those regions.

Your great Empire-builder, Cecil Rhodes, left an exactly opposite principle to operate, and that was equal privileges for all civilised men. (Applause). Colour or creed or race was not to interfere, but if he was civilised he had the same rights as every other citizen. Unfortunately the whole Union of South Africa is marked by a tendency to create a difference between coloured and white, and Kenya is another sphere where it is beginning to manifest itself. Can we view with equanimity a state of things in which the whole of Africa so far as it is part of the British Commonwealth should become a theatre within which white populations will be contending with other populations for the maintenance of privilege and monopoly which we have

resolved for the benefit of humanity to banish from other parts of our Commonwealth? (Applause). It is specially unfortunate that the white population in Kenya have asked for support from South Africa, and General Smuts has apparently promised that when the time arrives he will interfere on their behalf. It will be nothing short of a disaster for the Commonwealth if General Smuts permits himself to interpose in this matter. Is he, when ideal of equality and brotherhood are gaining ascendancy in the British Commonwealth, to come in and put things wrong again? (No). I shall regard it as an abdication and a complete surrender on the part of the Imperial Cabinet here if it permits the head of the South African Government to dictate to it what its policy should be in the conduct of this, the chosen instruments in the hands of providence for the redemption of mankind.

One other point. People bid us "Be patient." We are a very ancient people and trace our existence long, long before the time when Europe became a civilised continent. (Applause) Have you won your famous rights and privileges, your immunities, by the exercise of patience? Are our white friends in Kenya now giving us a model of patience? Even the patient peoples of the East seem at last to be learning a lesson or two from you. I must regret it: our patience and moderation have been our shield in the past. Non-co-operation in India, a comparatively mild weapon, although it had the backing of Mahatma Gandhi, a man of unexampled purity of life, did not have the whole-hearted support of our countrymen. Our faith in the virtue of constitutional agitation is still unshaken. We still believe that by the adoption of exclusively peaceful methods we shall achieve Dominion status and equality abroad and hand down to the world an example of which the British Commonwealth may be proud. Will you not strengthen every element that makes for peace; to encourage the growth of bodies like the League of Nations, which seeks to compose differences between nations and communities by discussion, by compromise and settlement, and not by the arbitrament of war? Upon the way in which you treat the demands of Indians, whether in Kenya or South Africa, or India, whether you call upon them to put forward force and violence or whether you welcome their demands and meet them as you should with high-souled generosity; upon that depends whether you help forward the ideals of the League of Nations and prevent a future war; upon that depends whether you build this British Commonwealth of yours upon the largest foundation of justice (Applause).

Mr. C. P. TREVELYAN, M.P., said: Mr. Ramsay MacDonald and myself are here to-night in order that you may know that the Labour Party has got a policy with regard to India, and is not afraid of it. We are here largely to listen to our Indian friends, and as we are listening I ask you to remember that while they have much to tell you, and they know, we still decide.

India is not yet entirely self-governed. India is in a difficult and anomalous interlude between the old absolute rule of our intelligent and noble bureaucracy. I am proud to be the grandson of one who worked in that bureaucracy. But we in this age have another future to look to than perpetual autocracy, however good. And in the passing from one process to another it requires, on the part of both Indians and Britisher a period when goodwill, understanding and discretion must be shewn; and what we in the House of Commons on behalf of

the Labour Party have been complaining this year is that Lord Reading in his action in certifying first one Bill and then another over the head of the Indian Assembly, has not been shewing that understanding and discretion which we should have expected of him.

The Salt-Tax is not principally a question of whether the tax is a good or bad tax. Of course it is a bad tax. It has got an evil savour. They say it is a small tax. Yes: it is a small-tax. On a wretchedly poor population it is the kind of tax which Englishmen will not have for themselves. It is the kind of tax which previous understanding British Viceroys have condemned and reduced. It is a tax on the peasant's cattle, as well as his children; on the poor by the seaside who try to get salt from the brine. It enters every Indian home. But above all, whether rightly or wrongly, it is a tax which is hated by the Indian, and that ought to have been enough for our rulers. (Applause).

Two years in succession it was rejected by a vast majority of the Indian Assembly, I say a vast majority. The majority was 59 to 44, but of those 44 who were the minority 24 were British officials, who practically had to vote as the Government told them: of the Indian independent votes only 11 were cast in favour of the Salt-Tax and 57 against.

Lord Reading uses his special emergency powers in order to override the Assembly. He tells us he wanted to balance his Budget. A most excellent thing. We all of us want to see our private and public Budgets balance: perhaps we rarely do, and the odd thing is that Lord Reading rarely does. Last year the salt-tax was rejected: Lord Reading did not certify, although he had a deficit of 6 millions. This year there is only a deficit of 2-1/2 millions, and yet he certifies the tax, with all its objectionable features. It seems to me he has in one year become very financially precise.

The British Government, wedded to their financial expedient, have forgotten the political results of their action. I say that deliberately, because when this question came up in the House of Commons, Lord Winterton, who replied for the British Government, never said one single word about the political effects of this tax. That is the whole issue. It is not the merits of the Salt-Tax. Think of the situation in India. Think what we are trying to do. What we have tried to do hitherto is to govern India for her good. What we are now trying to do is to help India for her to govern herself. That is the policy of the British people, announced as solemnly as ever any announcement has been made in the British Empire, by the representative of the King himself, when the new reforms were established. Listen to this: these were the King's words: "For years, it may be for generations, patriotic and loyal Indians have preached of Swaraj for their motherland. To-day you have the beginning of Swaraj within my Empire and with this scope and ample opportunities for progress to the liberty which my other Dominions enjoy." There was the promise. A large part of Indian opinion believed it. A large part of Indian opinion intended and determined to try and trust the British Government, and to try and work towards self-government through the reforms which were promised as the way to self-government, and in that spirit they began. A loyal Assembly meets—one that votes almost every tax asked of it, and yet the moment it shows the beginning of independence down comes the whole force of the Governor-General's powers upon it and he says "You are still under tutelage. Know that any act of indepen-

dence will be treated by the exercise of my full powers to suppress that act." No wonder that millions of the Indian people say "We were right. It was never really intended that these reforms should go on to self-government, for, behold, he will not let the people go!"

Now I want to say this. The Labour Party does not believe that we are forever going to govern India. Things pass; times pass; the world changes; volumes of new thought arise. We are going to help India on her way to Self-Government and self-realisation. (Applause). To us, this present and partial Self-Government which has been given to the Indian people is not the final stage in the development. We hope it is going to broaden down from precedent to precedent. We do not wish it to narrow down from certification to certification. The King's promise to us is a real promise, made by all that is best in England. While others may deny it or may recede from it, Labour takes up the obligation. (Applause). And under the imperative dictation of our manhood and brotherhood we will help and not hinder on their way to freedom the peoples of Arabia, of Egypt, and of India. (Applause).

Mr. Jamnadas DWARAKADAS, M.L.A. said that Mr. Montagu had rendered greater service to the cause of Britain than to India in making the beginning of Swaraj for India, while India's political consciousness was too widely awakened to permit of any return to the old state of autocracy, which they had been promised was gone for ever. In view of the rapid progress India is making every day they felt the time must come soon for full responsible Government being conferred on that country. The 1919 Act is nullified by the constant interference of the Whitehall authorities, by the reservation of important portfolios in the hands of European members, and, not least, by the misuse of the extraordinary powers vested in the Governor General. After having worked the reforms for all they are worth we have come to the conclusion that nothing but full Self-Government for India will offer a solution of the Indian problem. If you wish, as I do, that England and India should remain together for ever, not merely for their own selfish purposes, but because in that connection lies the hope for the future of the world, let us not forget that while Britain has a good deal to teach the East, India has a good deal to give to the West. (Applause). The one condition on which India can remain in the Commonwealth is equal partnership in the full sense of the word.

What is the problem in Kenya? You have there 8,000 White settlers; 25,000 Indian; 10,000 Arab and other settlers; and an indigenous population of about 2½ to 3 millions of East African natives who are in primitive state of civilisation. One great result that has so far accrued is the more humane consideration of the native population. If in the genuine interest of the native population it is proposed that the only solution that can offer itself to His Majesty's Government is a reversion to an honest Crown Colony Government, without any representation by election either of the White settlers or of the Indian settlers, we who come as the representative of a nation which has known what it is to be oppressed, will have nothing to say against it. (Applause).

If the White settlers are allowed to continue to enjoy the adult franchise which has been withheld hitherto from the Indians, then we claim, as equal partners in the Empire, that equal treatment shall be given to our Indian countrymen. (Applause).

The Kenya Government at present consists of the Governor with his Legislative Council of 18 officials and 11 European members, elected by their constituents, who enjoy adult franchise, and 4 Indian members, not elected by the Indians, who enjoy no franchise whatsoever (Shame).

No one has ever dared to deny that the demand made by the Indians is just. In January last an agreement was arrived at by the Colonial Office and the Under Secretary of State whereby the qualification for the franchise was to be so raised that only one-tenth of the Indian population could secure the vote. Not being satisfactory, but as it offered a working basis a large majority of the Indian population acquiesced in it. The agreement also provided for 4 out of 11 seats to go to Indians and also that there should be a common register seems to largely prevent the White settlers from accepting this settlement, because they object to their having to approach Indians and asking them to vote for them for election to the Legislative Council. The White settlers think on racial grounds that they are superior. That is the root of the trouble. We can never countenance a separate register, which would be tantamount to being a party to the perpetuation of that racial antagonism which is at the root of all the troubles.

The White settlers in Kenya also demand that Indian immigration should be restricted. More than 200 years ago, before the White settlers knew anything about Kenya, traders from India went to that country. But it is not on that ground that I deny the right of the White population to lay down this restriction. The native population are grateful to the Indian immigrants, who have taught them a great deal: they are hardly grateful to the White settlers because of the treatment some have meted out to them. The other objection is that the presence of so many Indian settlers is a danger to civilisation. But India had and knew of civilisation long before Europe! Besides, our civilisation is more akin to the native population than . . . . . is the civilisation of the West. But apart from this, is it right that an immigrant population from one part of the Empire should be allowed to dictate to an immigrant population from another part of the Empire? If a policy of restriction is really necessary in the future then we have no objection if it is applied equally to all immigrants, irrespective of colour. (Much Applause).

Mr. C. JINARAJADASA said: It is perfectly clear Britain can hold India; you have the power, we have no armies. If Britain and India are to live side by side to help each other and the world it must be only because we are bound by links of gratitude and love. Believe me, there is a wide cleavage just now in sentiment between you and the people of India. And now that the Indian masses are beginning to be politically awake they feel that all is not well with them since there is another people in the seat of power.

In the Act passed by Parliament there has been laid down the limit of 10 years, within which no advancement can be made, and we feel that the position is extremely anomalous: partly Dominion, partly Dependency. Either you have given India too much or too little. It is for you to decide, whether India shall go forward, realising Dominion status, or be held back. But in the meantime the position is one of peril, because India's national life is growing. It is the problem of India and South Africa, India and Australia. India has now a new role to play, to defend her children beyond the

Seas, and because of that, India to do justice by her children, must talk to Australia and Canada and South Africa as man to man. (Applause). So long as there is this position, whenever any question arises between India and any Dominion if India is not herself a Dominion, there is bound to be wrong spirit on both sides. When Australia talk to Canada she does so as man to man, as having rights and duties, and it is only when India has that position that you can wash your hands in your parliament of matters that trouble India. With regard to the Dominions, India can settle her own problems (Applause) and yet stand within the Imperial home as a daughter, welcomed and cherished.

Often people ask, can India be given this position? Look at the results of only 2½ years' partial representative government. In this morning's issue of 'The Times' you will have seen that a motion is going to be brought forward at the opening of the Indian Legislative Assembly to bring in the principle of retaliation against the other Dominions. It is because Indians who come to the Councils and speak English have behind them the masses of the people that they dare to propose such a disastrous doctrine. (Applause). It is because the Indian Legislatures are representative of the people that they have sent from Delhi three members of themselves on this Kenya business. It is because they are not wielding power selfishly for themselves that they have passed what was not passed before the Indians had the power, and that is a Workman's Compensation Act. It is in factory legislation and in housing conditions that other changes have been brought about by themselves.

You the people of Britain, two years ago, started India upon the road to self-government. It is now a matter of completing that work or leaving it undone. Make no mistake about it. We in India are a patient people but remember that, "Though the mills of God grind slowly yet they grind exceeding small; though with patience he stands waiting with exactness grinds he all." It is for you to do the right thing. You, the people of Britain, you who have in your midst the Mother of Parliaments, who have given great institutions to the world, you who for righteousness have sacrificed in the past, you sprang forward years ago when you saw the world held in the bonds of slavery—you did not count the cost in money, but at the cost of 2½ million pounds you freed every slave within the Empire. Now comes the time of trial. It is for you to stand or fall. It is your children's children who will bring you to book, not we in India. When there comes a great opportunity to dream of ideals of service to the world, ideals of Empire, do you think only of a handful of your own people, of their prosperity or are you able to recognise that even their prosperity must be temporarily sacrificed in order that the name of Englishmen might be honored through the generations for righteousness and justice?



## The Bharat Conference.

LONDON—30TH. DECEMBER 1922.

*The views of the Labour Leaders on Indian affairs were better expressed in the London Bharat Conference of December 1922. The following proceedings are here given to explain the Laborite's attitude towards India before they had any chance of coming into power.*

Mr. B. G. HORNIMAN, Chairman, read apologies for absence from Mr. Ben Spoor, M.P., Lt. Commander J. M. Kenworthy, M.P. and Dr. H. M. Leon, and then proceeded to give his presidential address. He said he had been, for the second time in succession, asked to preside over the Bharat Conference but would have proposed that some one else should have occupied the chair. He was in favour of a continual change of presidents of conferences. Since the last Bharat Conference there had been great changes. It would be idle to deny the changes; but there had been no change in the spirit of the Indian people to be free and independent, to shake off foreign domination, and to attain the goal of Swaraj. They were persistently told that the non-co-operation movement had failed and that its spirit had died out. The London "Times" had even dared to say that the Indian people had fallen into the old habit of obedience. He could assure the "Times" leader-writers that the people of India had by no means relapsed into obedience. No-co-operation could not die; it had entered into the national mind; even disastrous failure would not remove this national spirit. This national feeling was sustained by the spectacle of Governmental crimes, national humiliation and religious alarm. The resistance of India thus aroused would never cease until success had been realised. Whatever the changes of form and policy there would be no change in the principle of self-determination, that was founded on natural rights, which could never be withdrawn or abrogated, and could therefore never change. Nothing had happened to cause an alteration which could make Indians more agreeably to submit to foreign rule. What arosed the Indian people to a sense of the need for ruling themselves? When, after the war, they found pledges violated, when they found the Government using all means to force the people into submission to their violation of pledges, then a wave of anger flowed over the nation and created a firm resolve to throw off foreign control. The policy of non-co-operation taught by Mahatma Gandhi was adopted by the National Congress. Had anything arisen to alter such a determination? No.

The Government was as unscrupulous as ever in its resolution to repress opinion, and to impose its own will on the people. The people had not been mollified by that policy. It was nevertheless true that when Mahatmajji was arrested and imprisoned the non-co-operation movement seemed to mark time. That was a great humiliation and a National shame. It was a matter of regret that the Congress Committee even considered such a question as of the ripeness of the time for Civil Disobedience. It was a waste of time. Agitation and organization for Civil Disobedience would have been better. Civil Dis-

obedience would be the crowning decision and the leading feature of the National Congress. If correctly carried out, it would render foreign administration impossible. The programme of non-co-operation as laid down by Mahatma Gandhi should be adhered to in every particular.

It was a matter of rejoicing that the Subjects Committee of Congress had decided against the proposal to enter the Councils. Such an act would be a recantation of non-co-operation, no matter what intention ruled those who would seek to enter the Councils. The number of seats they would be able to capture could not give them dominating control. Those Councils would become "popularly elected legislatures" directly these mistaken people participated in the elections. Mr. Horniman referred to the Government as "Satanic," and cited two events in justification. The first was the disgraceful aeroplane bombing of villages of the frontier communities. In the speaker's opinion all men who had taken part in such expeditions should be made to feel that they had by such an act put themselves "outside the pale." The same horror ought to be aroused in the minds of Englishmen as was aroused by the German bombing of English towns in the Great War. The second instance was the atrocities inflicted on the Akalis in the Punjab by Indian policemen acting under British officers, and by British officers themselves. It was now admitted that the Government have been in the wrong from the beginning. They had no concern with these religious matters at all (the Sikh-Akali question). Their methods were of a cold-blooded quality exceeding that of General Dyer in 1919. The wonderful courage displayed by the Akalis was in itself a gigantic victory.

Mr. Horniman afterwards spoke on the resolution of sympathy with the British Labour movement, and expressed the view that its success would inevitably lead to the release of other people from the control of foreign Imperialism and foreign Capitalism.

Mr. GEORGE LANSBURY, M.P., seconding the resolution of protest against repression, said he was almost ashamed to stand in a company of decent minded Indians, for Englishmen had a great deal to answer for in respect of the Government of India. Englishmen were after all responsible, and some Englishmen felt disgraced by the deeds done by men whom they pay. The hypocritical outcry of archbishops and non-conformist divines against the barbarity of German air-bombers was fresh in their memory. Yet in Mesopotamia, Egypt, Ireland and India this bombing was done, and not a word of reprehension was heard from these men of religion. In the Great War, the British excused the bombing of Cologne on the ground of reprisal. In India there had been no bombing to retort to, and yet the frightful method had been pursued there. If they raised a question in the House, they know that the answer would be that bombing is quite civilised and entirely the "best thing for the natives." In face of the dumbness of the leaders of Christendom at such atrocity, what Indians think of Christianity? They will never appreciate the value of missionary statements that all are equal in the sight of God. It was a terrible thing that England could have so far forgotten its tradition that no voice was raised in public denunciation of these bombings. Such acts were a blasphemy against God and against humanity. That Conference had heard the terms of the resolution of sympathy with the Labour Party. At one time he believed that the British Labour Party could

do great things for India. He did not so much believe it to-day. Ireland had proved that nothing can teach the English but the force of events. In Ireland, the English held back justice so long that when we started to impose something on the people of Ireland it was too late and justice was impossible. The basis of all such crimes was that a few people thought that they knew how to rule others better than those others could rule themselves. Englishmen were now holding on to Mosul, on the plea that they wished to protect some people who lived there from other people who lived there. Hypocrisy again! They wanted the oil there; or to prevent certain other people getting that oil. Recently the press was full of archeological treasures discovered in Egypt, which proved the great wealth, civilisation, and art of a long dead Pharaoh. He could not help reflecting that all that wealth, civilisation and art was based on the enslavement of myriads of serfs and slaves. They, too, conducted great investigations to-day into wealth and treasure, in India and in England; and yet they could not spare time to consider the means of the people developing their happiness and freedom. When the Indian people develop their modern civilisation, he trusted they would abandon our idea of ruling others. Otherwise, Heaven alone knew where the Britons would come in. He said to Indians:—Do not pin your faith to what English Labour or any external force could do for them. They should find their faith on their own strength and resolution. The one great world problem of the future, towards the solution of which all the world must struggle, was the destruction of that idea of a small band of people managing the world. Man's relationship with man was the great problem of the future. England had ruled India for a century and produced no outstanding result but a few capitalists. Mankind had long been on the wrong road. India must see to it that she did not tread the same futile economic civilisation of the West. Indians could introduce new ideas into the world civilisation, first by resolving to make life simpler instead of more luxurious; secondly by resisting evil and injustice by folding their arms and saying "you can kill our bodies, but you shall never kill our spirit."

Mr. FENNER BROCKWAY, speaking on the non-co-operation resolution said: The Independent Labour Party sends its greetings to the Indian non-co-operation party. Its founder Keir Hardie was your friend and so were his followers. In their opinion the Indian people had the absolute right to decide the extent and nature of their freedom, and the degree of their allegiance to and connection with England. However, they hoped that human solidarity would prevail, and that the Indian people would eventually grant a willing and not a forced-co-operation with the peoples of Great Britain. The whole world would do well to copy India, and become inspired with such a hatred of tyranny that there could be non-co-operation with tyranny, Mr. Gandhi had set on foot a new method of realising human freedom, or at least it was a new application of methods. Racial freedom could not be the end of human effort. Side by side with all political efforts must go a movement for economic freedom. It was the one rather disappointing note in the reports of the Indian movement, that Indians took an insufficient account of the economic aspect of their servitude. There were not wanting however, signs of a growing consciousness of this vital element in the movement for emancipation.

Mr. ARTHUR FIELD spoke on a resolution expressing satisfaction at the victories of Mustapha Kamal and the Turkish people in

the cause of Turkish independence and expressed confidence in their advocacy and protection of the cause of Khilafat. He said that after eloquent testimonies to the virtues of peace, which were applauded by the Conference, his assurance would be welcomed that peace and not war was his own particular object of admiration. The victories of the patriot Mustapha Kamal were a horrible necessity, forced on a peace-loving nation by the Allies. Turkey and Russia needed peace more than any other nation, yet both had been offered the alternative of war or slavery. They had preferred to fight. Both had emerged victoriously. They had no joy in the butchery of war, they desired to thrust these memories behind them as soon as might be. Greater enemies still existed within than without the Turkish State; the next war would be an economic war waged if possible without arms. It would be directed against the remnants of feudalism and the power of foreign capital. Turning to the question of the Caliphate, Mr. Field expressed the opinion that that institution had been strengthened by the reforms carried out by the Turkish Assembly. The Caliphate did not properly and essentially depend for its authority on the possession of the antiquated veto of the Sultans over the internal affairs of the Turkish nation. It rested on the recognition, affection and respect of Muslims throughout the Islamic world. The Caliphate was now restored to its primitive simplicity and the Islamic world must provide it with its authority and vitality.

In a subsequent speech, protesting against the continued exclusion of Mr. Horniman from India, Mr. Field alluded to the increasing hostility displayed by the Government of Bombay to the "Chronicle." Taking this malignant supervision into account, side by side with the life sentence of expulsion on Mr. Horniman, an assault on free speech was evident which called for an effective propaganda. He advocated a united movement in defence of the right of adverse criticism by the Indian press.

#### **THE FOLLOWING RESOLUTIONS WERE PASSED:—**

1. This Conference reaffirms the right of the people of India to determine for themselves their own National destiny and the form of Government under which they shall live; and believing that any sort of recognition of or association or co-operation with foreign rule as antagonistic to that right, it further reaffirms its belief in the policy of Non-Violent Non-Co-operation as the only means by which that right can be fully and finally established and Swaraj achieved.

The Conference has the fullest confidence in the policy and programme of non-violent Non-Co-operation laid down by Mahatma Gandhi. It believes that the non-co-operation movement has reawakened the people of India to a true sense of their national responsibility in a way that no other means could have achieved and it is opposed to any proposal which would involve an infringement of that policy and programme.

2. This Conference condemns the unwarrantable interference of the British Government in the Punjab with the religious affairs of the Sikh—Akali Community; it draws the attention of the civilised world to the atrocities perpetuated on the Akalis by the police under British officers, who have been personally guilty of such atrocities; it records its undying admiration of the courage and sacrifice with which Akalis have defended the sacred right of their religion at Guruka-Bagh, its profound sympathy with their sufferings and heart-

felt gratification at the victory which they have thereby achieved in the cause of religious and National Independence.

3. This Conference offers to Ghazi Mustapha Kamal Pasha, and the whole Turkish people its respectful congratulations on their splendid victories in the field and places on record its profound sense of the inestimable services which the Turkish people by their sacrifices and indomitable courage in establishing their National Sovereignty have rendered to world-freedom. The Conference further expresses its confidence that the National Assembly of the Turkish people will continue to respect and protect the integrity of the Caliphate.

4. The Conference extends its sympathy and good-will towards the Labour movement in Great Britain and looks forward to the day when British Labour will free itself from the bondage of capitalistic exploitation and thus help to bring about the realisation of the aims of the Indian people in their struggle to free themselves from foreign imperialistic and capitalistic domination.

5. The fifth resolution, which was long and composite, contained suggestion to the Indian National Congress, including an appeal for help for a London Indian journal. It recommended the Congress to alter its policy and undertake propaganda in Europe and America to counteract anti-Indian misrepresentations there. It recommended action to counteract the denationalising tendencies of institutions run in England to capture Indian youths. The resolution wound up by protesting against the granting of a Government subsidy to the Y. M. C. A. Hostel for Indian students, and opposes any public grants to this or other institutes such as "Cromwell Road" or the Indian Students Department.

6. This Conference extends its sympathy to the peoples of Ireland, Egypt, Palestine and Middle Asia and all other peoples labouring under British or other foreign domination and invites their co-operation with the Indian people in securing their mutual release from such foreign domination.

7. This Conference protests against the deportation and continual exclusion of Mr. B. G. Horniman from India by the British Government. It expresses its gratitude to Mr. Horniman for his services to India and its deep sympathy with him in the sufferings which he has had to undergo in direct consequence of those services; and it calls upon all Indians both here and in India to do everything possible to bring about Mr. Horniman's return to India without further delay.

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## Army Debate in the Lords.

HOUSE OF LORDS—27TH JUNE 1923.

Two other important Indian debates were raised in Parliament in June and July. One in the House of Lords on the Indian Army, and the other in the Commons on the East India Loans Bill. On June 27th Earl Middleton raised the question of the reductions in the Indian army as proposed by the Inchcape Committee. Two important points emerged from this debate. It was made clear by the Earl of Derby that the Military policy of the Govt of India was directed not by the Govt. of India itself but by the Imperial General Staff and the War Office. This statement is significant in view of the fact that only in the previous session of the Assembly in Delhi the Army Secretary and the Govt. of India assured the House that the Army policy of India was not being dictated by Whitehall. Lord Rawlinson, too, made a statement to this effect in the Assembly in 1922. It was further evident from the debate that the problem of Indian defence was always treated by his Majesty's Govt. as a part of the Imperial defence problem. Further, Lord Peel said in the course of the debate that the "army in India was paid by the Indian tax-payer and the moneys voted by the Legislative Assembly"—which last statement is utterly false, for the Military budget here is non-votable. The fact was that the Tory die-hards were alarmed at the Inchcape cuts in the military expenditure and raised a hue and cry to stop this very necessary retrenchment. Below is given a summary of this debate in the Lords.

The Earl of MIDDLETON expressed apprehension in regard to reductions in the British forces in India recommended by the Inchcape Committee. He suggested reduction in pay would be preferable to reduction in numbers. Lord Inchcape emphasised that it might be disastrous to impose on India larger military expenditure than those responsible for the safety of the country considered necessary.

The Earl of DERBY, the Secretary of State for War, laid stress on the fact that in view of mechanical improvement reduction in men did not necessarily mean reduction in the efficiency of the army. *The India Office and War Office were considering the reductions proposed by the Inchcape Committee* and most probably many of these would be carried out, but there was no question of abolishing three cavalry regiments. *He would not agree to any reduction unless the General Staff considered that it could safely be made.* Government were of opinion that no further substantial reduction in the fighting forces of the British could safely be made although reduction in auxiliary services were possible without injuring the efficiency of the army. Lord Derby

declared that undoubtedly the pay of all ranks could be very substantially reduced and the men required could still be got but such reductions would not affect any one at present in the army.

Lord SELBOURNE supporting said Earl Middleton did not propose to impose on the Government of India military expenditure which the latter did not consider necessary or to cut down the Incheape cuts by a single lakh.

Viscount PEEL emphasised that matters were sub-judice. The question of reduction in the Indian army involved a full survey of the whole situation. India must be dealt with in conjunction with other reductions. He strongly denied the suggestion that there were dangerous reasons in the general situation against reduction. On the contrary, he thought, the situation was far more satisfactory than it had been suggested. Conditions on the frontier and the question of peace with Turkey would have to be considered along with internal conditions. Proceeding, Viscount Peel paid a high tribute to the ability of Lord Rawlinson and General Jacob, whose advice should be taken against a hundred stray opinions that might be consulted. Those opinions along with those of the Government of India and the Viceroy were the opinions of those responsible for carrying out possible changes. Viscount Peel pointed out that reduction in pay instead of in numbers would be a breach of contract. The question of revision of pay would come up next year until when nothing could be done. He enjoined members to remember that the army in India was paid by the Indian tax-payer and moneys voted by the Indian Legislative Assembly and emphasised risk in imposing or suggesting burden on the people of India which they thought unnecessary or they were unable to bear.

Earl Middleton replying to the debate thanked Lord Derby for his statement and then withdrew this motion.

## East India Loans Bill

*HOUSE OF COMMONS—27th JUNE & 6th JULY 1923*

On the same day, 27th June 1923, in the House of Commons in the Committee stage Earl Winterton moved a resolution on a bill on the East India Loans seeking to raise £ 50 millions. He said that when the House last year passed a Bill authorising the raising of £50 millions for productive purposes he did not anticipate that it would be necessary to seek fresh powers. For some time during the past year, he said, the borrowing conditions in Britain were more favourable than seemed possible. Therefore in the previous April the Government of India was enabled to push on its railway

programme. Ninetyfive per cent of orders for the railway requirements of India in the past year had been placed with Britain. It was always necessary in the case of India to have a full margin of general borrowing powers to meet such emergencies as complete failure of the monsoon, bad famine conditions and such like eventualities. The resolution was adopted.

On the second reading of the Bill on July 6th an interesting debate followed. Earl Winterton in moving the second reading of the East India Loans Bill explained that it proposed to authorize the Secretary of State in Council to raise in Great Britain sums not exceeding £15000,000 for the general purposes of the Government of India, and sums not exceeding £50,000,000 for capital expenditure on railways and irrigation works. The increase of borrowing powers for productive purposes was needed for the execution of the programme in view, under which capital expenditure on Indian railways for next year and the two following years was expected to average £20,000,000 a year. It might be asked, he said, whether the conditions of affairs in India were such as to justify British investors in concluding that they had as good an investment as hitherto in Indian stocks. In the debate on India of the previous day, he said, he showed what a vast improvement had taken place in Indian political affairs and in the maintenance of public order. It was said in the course of that debate that the Punjab was in a state of complete anarchy. That statement illustrated the attitude of some critics in England and some in India also who seemed to regard India as a disturbed peninsula in a peaceable continent. The exact opposite was the case. Since 1914 Asia had suffered from political concussions at least as great as Europe had suffered from. He pointed, for example, to the revolutions in Russia, in Asia and in China. It was true that the general pshychological effects of the Great War among other causes had contributed to unrest in India, but the situation had completely changed, and he thought the success of the efforts of the Governor-General and the Secretary of State in improving the situation had not been sufficiently recognized. (Hear, hear.) He could say that there was nothing to deter British investors from putting their money into Indian loans. Referring to the suggestion made by certain members on the 27th June that India should be free to borrow money as and where she liked and the powers of the Secretary of State over India in this respect should be removed, Earl Winterton confessed that the position was anomalous but he urged that the Secretary of State for India was responsible for the soundness of Indian finance in all its aspects. Indian stocks were included in trustee securities under the Trustee Act, 1892. The Commons should not be in a hurry to suggest that their character should be changed. The constitutional position in India was avowedly transi-



tional. Any proposal to make a change in regard to Indian stocks and their trustee character would only disturb the investing public, which would be particularly undesirable at a time when Indian securities were at a better price, when there was a demand for them, and when fresh opportunities were opening up in India for British investors. The only appropriate time to remove the restrictions would be when, if it ever happened, it was decided after full deliberation to relieve the Secretary of State of his responsibility with regard to the Indian sterling debt and Indian finance generally. There was no intention of making any alteration so far as the Government was concerned and moreover it must be dealt with as a part of a large constitutional scheme and not as a part of financial legislation.

Mr. A. M. Samuel said he hoped that the £15,000,000 provided for general purposes of the Government under the Bill should not be used to balance the budget; but he wished the Bill had well emphasised that Indian investments were the best outlet for British money outside the British Isles.

SIR R. HUTCHINSON suggested that there should be a condition that at least 75 per cent. of the loans raised in England for Indian railways should be spent on the purchase of materials in England. Earl Winterton said that 95 per cent. of the money would be spent there. Sir F. Banbury said that an obligation to spend the money in England would have the effect of raising prices against the Indian Government. Sir R. Hutchinson thought no one would deny that it would be better to spend the money there than in foreign countries.

Sir W. SUGDEN said that while loom and spindles were resting in Lancashire, it was proposed to take a course which would raise the price of the money required in that industry for the benefit of a few millionaires in India. Lancashire had to face Indian competition based on low-price labour conditions which no civilized country would allow. The provision of money for transport facilities would further cheapen the products of the Indian mills, besides raising money prices in London and elsewhere. He did not plead for any dog-in-the-manger policy but for a fair deal. India was stealing the markets from Lancashire by sweated labour.

Mr. HOPE SIMPSON maintained that in promoting the prosperity of India England also would benefit. The more exports India was able to send England the better it would be for trade.

Mr. MILNE, who supported the Bill, said that for many years at least India would not be able to compete with Lancashire in long staple goods, and Lancashire must face the facts and devote itself more and more to the kind of production in which India was not a competitor. As to railways in India, the expenditure on the main

lines required to be cut down drastically. There were opportunities for building feeder lines, and India could give a suitable return on all the capital she could borrow. In order to promote the rising of money locally, he urged that it was important to get rid of the practice of hoarding. The native should be given facilities for investing small sums which he could get repaid at any post office, if necessary before the due date, by some system of discount.

Mr. T. SHAW, speaking as a Lancashire man interested in the cotton industry, said he was keenly dissatisfied with what India had done in putting the duties on cotton goods in a way inimical to the Lancashire cotton trade. But, after all, what was now wanted was the best possible feeling between that country and India, and he held that it was plainest business proposition to help the Indian people to develop their country in the best possible way. He was heartily in sympathy with the main objects of the Bill.

Mr. WISE, while not antagonistic to the Bill, uttered a word of caution against proceeding too quickly in measures which would give work to the unemployed. But the provision of employment must not be made the cover of giving powers to the railway companies so that they could avoid coming specially to Parliament for such powers.

After further debate the motion for the second reading of the Bill was carried by 156 votes to 73.

A motion moved by Mr. Adamson (Labour) to commit the Bill to a Committee of the whole House was opposed by the Government and rejected by 152 votes against 75.

The question, however, was again raised on the 17th July in the Committee stage of the House of Commons when an animated and interesting debate followed in which some of the bigger party guns, including the late "Steel-frame" Premier, Mr. Lloyd George, and Mr. Chamberlain took unexpected and prominent part.

On this day Genl. Sir Robert HUTCHINSON, one of the Lancashire members, moved an amendment to the East India Loans Bill to the effect that 75% of the money raised should be spent in Great Britain.

Mr. CHAMBERLAIN supporting asked if the Secretary of State for India had arrived at an understanding with the Government of India that in the special circumstances of the present position, and without trying to lay down a general rule for the future, the money might be spent as far as possible in British market. We had, he said, by immense sacrifices largely restored our credit by shouldering courageously very heavy burdens and fortified the City of London in her old

position which made her the greatest lender of the world, and there was no market in the world where India could come successfully for such large sums at the present as in London. He further said that if India went to Paris or New York she would not get a franc or dollar except on condition that she placed her orders in those countries. We could not, he said, afford at present to place our financial resources indiscriminately at the use of the whole world. The Secretary of State had a great responsibility, even under the changed conditions, and the Government of India ought not to resent such a condition, though he did not recommend the exact terms of the amendment as such, as the amount which must be spent in India must be excluded from the application of Sir Robert Hutchinson's amendment. Even if the cost was a little more in the purchase of railway material, the money should be spent in Great Britain unless the case was made out to the satisfaction of the Imperial Government or the Secretary of State, that there was undue combination against the Government of India and that they were not getting a fair price in our market, and it was our duty to see that we are not left wholly without work and employment.

Earl WINTERTON said that the last Government had accepted through Mr. Montagu a resolution of the Indian Legislative Assembly on the subject that India should buy at the cheapest market. These contracts fulfilling the Government of India's requirements on railway and irrigation matters were passed in September 1921 by the Legislative Assembly. With reference to buying in the cheapest market, consistently with quality and delivery, the real crux of the case lay in figures showing in the financial year 1922-23: £6,867,500 spent abroad on Company managed railways, out of which £6,665,000 represented articles manufactured in Great Britain, and £1,735,000 on State-worked railways of which all but £200,000 was placed in Great Britain. Earl Winterton said that later figures, for the six months ending June 1923, showed that only five per cent was spent on goods actually manufactured abroad. The figures showed that under the existing free buying system 95 per cent was purchased in Great Britain. This was the strongest answer to the case put forward.

Earl Winterton asked if Mr. Chamberlain suggested that all borrowers or only India should come under the suggested proviso, and thought that there would be practical difficulties if the proviso were applied to all. Earl Winterton admitted that the Secretary of State was generally responsible for the Government of India's finance, but, he said, there was no reason why we should ignore the Indian Assembly's expressed wish when such a wish was not objectionable and not opposed to the principle of raising money in the best market and purchasing the best and cheapest goods in the market.

Continuing Earl Winterton suggested that in view of the figures he had quoted, the proposed course would not be wise or statesman-like, and he did not think it would be showing regard for the "amour propre" of the country which was one of their best customers quite apart from Government departments. He sympathised with the principle of the amendment, but did not believe that it would help the general volume of trade in the long run.

Mr. Charles Roberts, approving of Earl Winterton's reply, described the proposed restriction on India's free buying in the market as protectionist in character.

Mr. A. M. Samuel criticised Earl Winterton's application for the permission contained in the Bill, seeing that they had abandoned all supervision of Indian finance. The Government of India could easily raise £50,000,000 without any permission.

Mr. Alexander Shaw said that Mr. Chamberlain's speech would be read with profound regret in India. He thought that the step would greatly prejudice their moral standing, not merely in India but all over the world.

Mr. Lloyd George denied that it was a matter of free trade or protection, but it was a business proposition. He admitted that the amendment would set up a precedent, but it must be remembered that the challenge came from India. There was a Government of India document issued when Mr. Montagu was Secretary of State for India which said that India was going to buy in the cheapest market wherever she borrowed, but Britain was perfectly entitled to say that she was also bound to see that her market was used to the best purpose and in the country's interests. He did not think that there was anything offensive or unfair in it, and hoped that the Government would reconsider the matter. It would easily be provided that in cases of overcharge there would be an appeal to the India Council, or any fair body with a view to liberating the Indian tax-payer from the obligation to the statute. The Imperial Government should do its best to get a promise from India that the money would be spent in England if prices were fair.

Earl Winterton said that he did not think it would be fair to describe the Assembly's resolution as a challenging one.

Sir R. Hutchinson said that the purpose of moving his amendment had been achieved and asked for leave to withdraw it, but Independent Liberals refused permission.

Mr. Chamberlain, again speaking, said that he was startled to learn that India, alone among the Dominions, had announced a policy plainly disregarding the agreed policy of the Empire. He was only asking India to conform to general practice of the Imperial Government and the Empire.

The amendment was then put to the vote and negatived without division. The main Bill was then further considered.

Commander E. Hylton Young advocated the placing of borrowing powers in the hands of the provinces instead of the Government of India. He did not think that the provinces would ever become really self-conscious as states or truly inspired by the sense of their own responsibility unless they had direct contact with the money market.

Colonel Wedgwood urged that rather than restrict borrowing powers, powers of control should be widened. He hoped that when the rules under the Government of India Act were revised complete autonomy for provinces would be coupled with complete powers to borrow, as well as raise money for finding interest on loans.

Earl Winterton replying to Commander Hylton Young, pointed out that at present they were only concerned with borrowing for railway and irrigation purposes, and railways came under the Central Government. He said that there had been provincial loans floated in the British market for all sorts of purposes.

Mr. J. S. Wardlaw Milne said that the Government of India must always have the last say on the question as to where money should be raised. He did not see why India should not as freely borrow when she liked as Canada and Australia.

Commander Kenworthy again protested against what he described as out-of-date provisions of the Bill for controlling Indian finances.

Earl Winterton replied that there was no question of imposing restrictions on the Government of India. The Bill then passed the Committee stage.

Finally on 20th July the East India Loans Bill was passed by the House at its third reading without any amendment.

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